

for a volunteer retired list—to the Committee on Military Affairs.

By Mr. LOUD: Petition of Henry W. Highby and others, citizens of Harbor Springs, Mich., for pension law giving soldiers who have served eighteen months \$1 per day—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petition of Local Union, No. 4, of Philadelphia, International Printers' Union, for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of New York Chamber of Commerce, for a liberal ship subsidy for ocean mail service—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Commercial Travelers' Congress, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. NORRIS: Petition of Nebraska Commandery of Loyal Legion, for volunteer retired list—to the Committee on Military Affairs.

By Mr. RIORDAN: Petition of New York Nautical School, against detaching officers of Navy from duty as superintendents of nautical schools—to the Committee on Naval Affairs.

Also, petition of Commercial Travelers' Congress, of San Francisco, Cal., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. PUJO: Petition of Crescent City Harbor, No. 18, American Association of Masters, Mates, and Pilots of Steam Vessels, against passage of H. R. 4771—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Oberlin, La., against H. R. 10215 (relative to the Cole heirs)—to the Committee on the Public Lands.

Also, petition of Commercial Travelers' Congress, of San Francisco, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of Commercial Travelers' Association, of San Francisco, Cal., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Petition of New York Produce Exchange, against Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of Commercial Telegraphers' Union of America, for investigation by Congress of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. REYNOLDS: Papers to accompany bills for relief of David W. Conrath and Blair W. Peck—to the Committee on Invalid Pensions.

Also, petition of William Watson Post, No. 332, to amend section 1754 of the Revised Statutes in regard to the civil service—to the Committee on Reform in the Civil Service.

By Mr. SMITH of Arizona: Paper to accompany bill for relief of Bert O. Brown—to the Committee on Invalid Pensions.

By Mr. STEENERSON: Petition of purchasers of land on ceded Indian reservation in Minnesota, which was purchased under the act of February 20, 1904, asking for additional homestead right—to the Committee on the Public Lands.

By Mr. WALLACE: Paper to accompany bill for relief of William J. Martin—to the Committee on Invalid Pensions.

By Mr. WEISSE: Petition of M. A. Jacobs and others, of Beaver Dam, Wis., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Wisconsin Pea Packers' Association, for legislation to correct faults of the currency system—to the Committee on Banking and Currency.

Also, petition of students of the Wisconsin short course in agriculture, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Association of Audubon Societies, for appropriation to continue the Bureau of Biological Survey—to the Committee on Agriculture.

Also, petition of W. S. Richardson, National Association of Retail Druggists, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Institute of Arts and Letters, for removal of tariff on works of art—to the Committee on Ways and Means.

Also, petition of citizens of the District of Columbia, for control of the street car railways by Commissioners of the District, and investigation of said roads by Congress as to their organization and capitalization—to the Committee on the District of Columbia.

Also, petition of Commercial Travelers' Congress, of San Francisco, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Woman's Interdenominational Missionary

Union, for a Sunday rest day in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Merchants and Manufacturers' Association of Milwaukee, for H. R. 24575, providing appropriation for industrial training in agricultural high schools—to the Committee on Agriculture.

Also, petition of Science Club of University of Wisconsin, for legislation to secure the preservation of forests—to the Committee on Agriculture.

Also, petition of Loyal Legion Commandery of Wisconsin, for a volunteer retired list—to the Committee on Military Affairs.

By Mr. WILEY: Petition of Gadsden (Ala.) Commercial and Industrial Association, for forest reservation in Appalachian and White mountains—to the Committee on Agriculture.

By Mr. WILLETT: Petition of Alumni Association of New York Nautical School, against order detaching naval officers from command of nautical school ships—to the Committee on Naval Affairs.

By Mr. WILSON of Illinois: Petitions of Clayton R. Taylor, Edward C. Fitch and 59 others, William J. Hall and 25 others, D. H. Wamsley and 16 others, and George V. Dieter and 21 others, all of Chicago, Ill., for a volunteer retired list—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, January 22, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SPANISH TREATY CLAIMS COMMISSION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the president of the Spanish Treaty Claims Commission, submitting estimates amounting to \$52,237.75 to pay awards of the Commission, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Charles H. Evans *v.* United States;
In the cause of La Grange Lodge, No. 36, Independent Order of Odd Fellows, of Boonesboro, Md., *v.* United States;
In the cause of Newton Woodyard *v.* United States; and
In the cause of H. C. Bowen, administrator de bonis non of William A. Bowen, deceased, *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 2725) to extend the time for completion of the building of the dam across the Mississippi River near the village of Bermidji, Beltrami County, Minn.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Edward C. Wade, of Los Angeles, Cal., praying for the enactment of legislation to open up the Court of Claims to claimants now debarred by the limitation of the statutes, which was referred to the Committee on Claims.

Mr. PLATT presented a petition of Local Union No. 9, International Typographical Union of North America, of Buffalo, N. Y., and a petition of Local Union No. 96, International Typographical Union of North America, of Glens Falls, N. Y., praying for the enactment of legislation to repeal the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. GALLINGER presented a memorial of the South Washington Citizens' Association, of Washington, D. C., remonstrating against the enactment of legislation to authorize the continuance of the railroad siding in square 737 in that city, which was referred to the Committee on the District of Columbia.

Mr. SCOTT presented a petition of Good Hope Grange, No. 187, Patrons of Husbandry, of Lost Creek, W. Va., praying for the enactment of certain postal legislation as recommended by

the Postmaster-General in his annual report, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FULTON presented a petition of the congregation of the First Presbyterian Church of La Grande, Oreg., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. FRYE presented a memorial of the Maine Newspaper Publishers' Association, remonstrating against the ruling of the Post-Office Department requiring subscriptions in arrears of payments to be cut off from second-class rates, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP presented a petition of sundry citizens of Minnesota, praying for the passage of the so-called "Lafean pension bill," which was referred to the Committee on Pensions.

He also presented a petition of the Lincoln Club, of St. Paul, Minn., praying for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Minnesota, remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BULKELEY presented a petition of sundry citizens of Old Lyme, Conn., praying for the enactment of legislation providing a Government guaranty on all bank deposits, etc., which was referred to the Committee on Finance.

Mr. BRANDEGEE presented a petition of sundry citizens of Old Lyme, Conn., praying for the passage of the so-called "parcels-post bill," the establishment of postal savings banks, and providing a Government guaranty on all bank deposits, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented a memorial of the Commercial Club, of Topeka, Kans., and a memorial of the Commercial Travelers' Congress of San Francisco, Cal., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of James B. McPherson Post, No. 87, Grand Army of the Republic, of McPherson, Kans., praying for the enactment of legislation for the relief of officers, soldiers, sailors, and marines who were confined in the so-called "Confederate prisons" during the civil war, which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Spring Creek, Kans., praying that the pension of widows of soldiers be increased to \$12 per month, and also for an increase of pension on account of age, which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Marion, Kans., praying for the enactment of legislation to increase the pension to \$12 per month of all widows of soldiers who were married prior to 1890, which was referred to the Committee on Pensions.

Mr. LODGE presented a petition of the Associated Board of Trade of Boston, Mass., praying for the enactment of legislation to improve the present financial system, which was referred to the Committee on Finance.

He also presented a petition of sundry textile and other manufacturers of Boston, Mass., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the American Institute of Architects of Chicago, Ill., praying for the enactment of legislation providing for the adoption of the Park Commission's plan for the improvement of the Mall of the District of Columbia and the erection of the Grant Monument as proposed, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Plymouth District Medical Society, of Brockton, Mass., praying for the enactment of legislation granting pensions to the widows of Dr. James Carroll and Dr. J. W. Lazear, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Wakefield, Mass., praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

Mr. DICK presented memorials of the Amalgamated Wood Workers, American Federation of Labor, of Cincinnati; of the Cleveland Faucet Company, of Cleveland, and of the Manufacturers and Dealers' Association of Cleveland, all in the State of Ohio, remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Cincinnati, Ohio, praying for the enactment of legislation providing for the issuance of money without interest on bonds to States, counties, and cities for the purpose of building public highways, schools, bridges, etc., which was referred to the Committee on Finance.

He also presented memorials of Unity Council, No. 229, United Commercial Travelers of America, of Fostoria, Ohio; the Columbus Retail Grocers' Association, of Columbus, Ohio, and the Toledo Retail Grocers' and Butchers' Association, of Toledo, Ohio, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Esto Farmers' Institute Society, of Walhonding, Ohio, and of sundry citizens of Summit County, Ohio, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Trades and Labor Assembly of Salem, Ohio, and the United Trades and Labor Council of Dayton, Ohio, praying for the enactment of legislation looking to the Government ownership of the telegraph, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 418, American Federation of Musicians, of Ohio, praying for the enactment of legislation prohibiting Army bands coming in competition with union civilian bands, which was referred to the Committee on Military Affairs.

He also presented petitions of Guernsey Valley Trades and Labor Assembly, of Cambridge, Ohio; the Trades and Labor Assembly of Sandusky, Ohio; the Trades and Labor Assembly of Salem, Ohio, and the Dayton United Trades and Labor Council, of Dayton, Ohio, praying for the removal of Charles A. Stillings from the office of Public Printer, which were referred to the Committee on Printing.

He also presented petitions of the Chamber of Commerce of Cleveland, Ohio, and the Business Men's Club, of Cincinnati, Ohio, praying for the enactment of legislation for the preservation of the forests of the country, which were referred to the Committee on Agriculture.

He also presented a petition of the Farmers' Institute of Vinton and Meigs counties, Ohio, praying for the establishment of postal-savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Cadot Post, No. 126, Grand Army of the Republic, of Gallipolis, Ohio, praying for the passage of the so-called "Lafean pension bill," which was referred to the Committee on Pensions.

He also presented a petition of the Master House Painters and Decorators' Association of Ohio, praying for the enactment of legislation for the proper labeling of all paint materials, etc., which was referred to the Committee on Manufactures.

He also presented a petition of the East Ohio Conference of the Methodist Episcopal Church, of Ohio, praying for the adoption of the amendment to the Constitution prohibiting polygamy and polygamous cohabitation, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Lima, Ohio, and of the board of directors of the Chamber of Commerce of El Paso, Tex., praying for the passage of the so-called "Dick-Capron bill" to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which were referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Telegraphers' Union of America, praying for the enactment of legislation providing for an investigation of all industrial controversies, which was referred to the Committee on Education and Labor.

He also presented the petition of E. G. Rathbone, of Ohio, praying for a full investigation as to charges filed against him as director of posts, Cuba, which was referred to the Committee on Cuban Relations.

He also presented a petition of the Petworth, Brightwood Park, and Takoma Park citizens' associations of the District of Columbia, praying for the enactment of legislation providing for an examination of the street railway companies of the District of Columbia with respect to organization, capitalization, valuation, etc., which was referred to the Committee on the District of Columbia.

He also presented a petition of the Petworth, Brightwood Park, and Takoma Park citizens' associations of the District of Columbia, praying for the enactment of legislation to regulate and control the management of the street railway companies in the District of Columbia with respect to schedules, cleanliness, physical condition, etc., which was referred to the Committee on the District of Columbia.

He also presented a petition of Central Labor Union, American Federation of Labor, of the District of Columbia, praying for the enactment of legislation providing for Government ownership of all telegraph lines in the United States, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DOLLIVER presented a petition of Local Union No. 86, International Printing Pressmen of North America, of Iowa, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Des Moines, Iowa, praying for the enactment of legislation to improve the present financial system, which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Des Moines, Iowa, praying that a hearing before the Interstate Commerce Commission be given before a change is made by railroad companies in any interstate freight rate, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial Club of Des Moines, Iowa, praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Club of Spencer, Iowa, praying for the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on Education and Labor.

TEA FOR MEDICINAL PURPOSES.

Mr. STONE. Mr. President, yesterday the bill (S. 514) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, was reached on the Calendar and passed over at the instance of the senior Senator from Massachusetts [Mr. Lodge]. He stated that he desired to examine it. That bill has been having rather rough sailing in the Senate.

I hold in my hand some data which is explanatory of the bill. I ask the consent of the Senate to have it printed in the RECORD for the information of Senators.

The VICE-PRESIDENT. The Senator from Missouri presents certain data and asks that it may be printed in the RECORD without reading. Is there objection?

Mr. BURROWS. It was impossible to hear the Senator as to the character of the paper.

Mr. GALLINGER. It relates to the tea bill.

Mr. STONE. It is some data explanatory of the bill which was under consideration yesterday, consisting of letters and invoices. There is not very much of it.

Mr. BURROWS. I have no objection.

Mr. STONE. I desire to have it printed simply for the information of Senators.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

MONSANTO CHEMICAL WORKS, St. Louis, December 21, 1905.

We have undertaken the manufacture of a chemical product known as "caffeine" (or theine) which, at the present time is produced entirely from tea waste, siftings, and sweepings. This material is the tailings or the refuse (waste) collected in the various tea houses and gardens of the world. It is composed of tea fluff, taken off the leaves; siftings which occur in sorting out the tea; and the sweepings or dust which accumulates in the various tea warehouses.

This material was thrown away up to the time caffeine became an important chemical product, when on analysis it was found that this tea refuse contained an appreciable amount of caffeine alkaloid; since which time it has been saved and sold to the various manufacturers and producers of caffeine.

Caffeine has become a very important chemical product, and up to a comparatively few years, has been manufactured entirely in Germany and England.

The German manufacturers are allowed to import this tea waste ad libitum, whereas the English manufacturers are also allowed to import this quality of goods, but under supervision of the Government, who see that it actually enters into the manufacture of caffeine, so that there is no possibility of this quality of goods interfering with their tea laws.

Now, as against these conditions, the American manufacturer of caffeine is compelled to denature the tea waste before importing, by adding 10 per cent of lime—for the purpose of making it unfit for food purposes—when it is allowed to enter into the United States as "crude drugs." The cost of the lime and the labor for this process at point of shipment is about 20 per cent of the cost of the goods, to which also must be added the additional heavy freight charges caused by the addition of this lime, making the actual cost to the American manufacturer almost 25 per cent more than the European manufacturers pay for the same goods at their factories.

While we have a protective duty of 25 per cent ad valorem on caffeine, it must not be overlooked that the yield of caffeine from this tea waste is about 2½ per cent. To be more explicit—say 100 pounds of tea waste yields 2½ pounds caffeine. The duty on this product is 25 per cent ad valorem, as against which must be considered that foreign manufacturers have cheap labor and pay freight to the United States on only 2½ pounds of goods, while we are compelled to pay freight charges on 110 pounds (100 pounds tea waste and 10 pounds lime) and about 25 per cent more for the same raw material, on ac-

count of the expense incurred in denaturing it by the addition of lime before it is allowed entry to the United States.

Under these conditions, you can readily see that we are justified in asking for relief from this last great unnecessary expense, to be in position to compete with the European manufacturers. And furthermore, as such outlay is paid to foreign labor by American manufacturers, while no one in this country gets any benefit whatever from it.

Your bill provides that the importation of this tea waste shall be under regulations, to be prescribed by the Secretary of the Treasury, consequently there can be no possible danger of these goods reaching the market for food purposes; and, in order that you may be familiar with the material as we import it, we are sending you a sample by mail, under separate cover, and a glance will convince you that there is no earthly possibility of such material being accepted for consumption as tea—as no one would accept it as a gift for that purpose.

We believe the policy of the Government is to aid and foster manufacturing industries in this country, and from what we have stated you can readily appreciate the great disadvantage we are under in competing with the foreign manufacturers on caffeine, even with 25 per cent duty as at present imposed on the article. All we ask is to be placed on an equal basis with these foreign manufacturers, in so far as the raw material is concerned, by allowing us to import it in its natural state as collected—the same as they do.

We feel confident that you will be able from the foregoing to appreciate the injustice of the position occupied by us, and be able to get sufficient support from your colleagues to secure the passage of the bill in question at the earliest possible date.

MONSANTO CHEMICAL WORKS,
MANUFACTURERS OF MODERN CHEMICAL PRODUCTS,
OFFICE, 1810 SOUTH SECOND STREET,
St. Louis, February 22, 1906.

Hon. WILLIAM J. STONE,
United States Senate, Washington, D. C.

DEAR SIR: We beg to acknowledge receipt of your favors of the 15th and 16th instant, and thank you for sending us a copy of the CONGRESSIONAL RECORD, which we read with much interest. We will endeavor to answer your questions, as well as those that were brought up in the short debate in the Senate.

There is no duty on tea at the present time, nor has there been since January 1, 1903, the law creating the tariff on tea having been repealed; in consequence tea sweepings would also come in free if our bill is passed. In view of the foregoing you will readily see that it is not a tariff bill either for raising or reducing revenue, but simply an amendment to the tea act of March, 1897.

The position we occupy as manufacturers of caffeine is just the same as the manufacturers of quinine in this country would be in if they were compelled to add lime at point of shipment to cinchona bark, which is the raw material for manufacturing quinine, while the foreign governments do not impose that hardship on their manufacturers.

Caffeine is a standard chemical product, recognized in the United States Pharmacopoeia the same as quinine, morphine, or any other important chemical product. In order that you may be familiar with the finished product—caffeine (or theine)—we are sending you by mail, under separate cover, a sample of our manufacture. Caffeine was first discovered in coffee, from which it derives its name, but later on it was discovered that tea contained a larger percentage of this alkaloid; hence tea is now used entirely for the manufacture of the article. It is known both chemically and scientifically as caffeine or theine; these names being synonymous with the identical product.

ST. LOUIS, April 16, 1906.

Referring to the conversation the writer had with you when you were last in the city, we inclose herewith a memorandum giving a list of the extra charges (by reason of denaturing) taken from our invoices of the last three shipments of tea sweepings to us, to which we have added additional expenses incident to these charges on said shipments.

You will note the cost to us for denaturing the tea waste is 18 to 19 per cent of the original cost of the goods, which anyone will admit is a fearful disadvantage for any manufacturer to be under on raw material when competing with other manufacturers who are not under that expense, as in this case the Germans, who have, in addition, the advantage of cheaper labor.

As explained to you, we are obliged to rent a warehouse in which to have this denaturing done, and in consequence of the lime we can not use the same bags, but are obliged to buy new stout bags to prevent its sifting through en route, whereas if your bill is passed and becomes law the goods can be shipped to us in the same bags as it comes down from the plantations.

If the members of your honorable body would see these figures, our position would be more thoroughly appreciated and they would realize that our request for relief from this burden is warranted by the facts. You understand that these charges are not only for the present shipments, but stand as a constant drain on us as long as we are manufacturing caffeine unless we get relief by the passage of your bill, which also provides full protection for the consumers.

Extract of charges copied from an invoice to us dated February 22, 1906.
[16 annas = 1 rupee = 32½ United States cents.]

	Rupees.
For 790 bags, 74,840 pounds, cost.....	5,250.15.3
CHARGES.	
Clearing and denaturing.....	294.12
Cost of lime.....	28.1
Stout bags, weighing, packing, etc.....	444.6
Proportion godown (warehouse) rent.....	75
Five per cent commission.....	842.3
	42.1
	884.4
Less proceeds sale 786 old bags.....	49.2
	835.2
To which must be added—	
Marine insurance for this additional amount at .60....	5
Freight on lime (10 per cent) 7,484 pounds, at 57 cents per 100 pounds.....	131.4
	971.6
Cost to us for denaturing, say 18½ per cent on original cost of goods.	

Extract of charges copied from an invoice to us dated February 15, 1906.

	Rupees.
For 340 bags, 31,690 pounds, cost.....	2,223.8
CHARGES.	
Clearing and denaturing.....	127.8
Cost of lime.....	11.15
Stout bags, packing, weighing, etc.....	191.4
Proportion godown (warehouse) rent.....	15
	345.11
Five per cent commission.....	17.6
	363.1
Less proceeds sale 340 old bags.....	21.4
	341.13
To which must be added—	
Marine insurance on this additional amount, at 0.60.....	2
Freight on lime (10 per cent), 3,169 pounds, at 57 cents per 100 pounds.....	55.7
	399.4
Cost to us for denaturing, say 18 per cent on original cost of goods.	

Extract of charges copied from an invoice to us dated December 21, 1905.

	Rupees.
For 464 bags, 52,230 pounds, cost.....	3,978.6.3
CHARGES.	
Clearing and denaturing.....	167.4
Cost of lime.....	50.13
Stout bags, packing, weighing, etc.....	320.10
Proportion godown (warehouse) rent.....	90
	628.11
Five per cent commission.....	31.4
	659.15
To which must be added—	
Marine insurance on this additional amount, at 0.60.....	4
Freight on lime (10 per cent), 5,223 pounds, at 57 cents per 100 pounds.....	91.10
	755.9
Cost to us for denaturing, say 19 per cent on original cost of goods.	

Extract of charges copied from an invoice to us dated February 22, 1906.

	Rupees.
For 790 bags, 74,840 pounds, cost.....	5,250.15.3
CHARGES.	
Clearing and denaturing.....	294.12
Cost of lime.....	28.1
Stout bags, weighing, packing, etc.....	444.6
Proportion godown (warehouse) rent.....	75
	842.3
5 per cent commission.....	42.1
	884.4
Less proceeds sale 786 old bags.....	49.2
	835.2
To which must be added—	
Marine insurance for this additional amount, at 0.60.....	5
Freight on lime (10 per cent), 7,484 pounds, at 57 cents per 100 pounds.....	131.4
	971.6
Cost to us for denaturing, say 18½ per cent on original cost of goods.	

Extract of charges copied from an invoice to us dated February 15, 1906.

	Rupees.
For 340 bags, 31,690 pounds, cost.....	2,223.8
CHARGES.	
Clearing and denaturing.....	127.8
Cost of lime.....	11.15
Stout bags, packing, weighing, etc.....	191.4
Proportion godown (warehouse) rent.....	15
	345.11
5 per cent commission.....	17.6
	363.1
Less proceeds sale 340 old bags.....	21.4
	341.13
To which must be added—	
Marine insurance on this additional amount, at 0.60.....	2
Freight on lime (10 per cent), 3,169 pounds, at 57 cents per 100 pounds.....	55.7
	399.4
Cost to us for denaturing, say 19 per cent on original cost of goods.	

Extract of charges copied from an invoice to us dated December 21, 1905.

	Rupees.
For 464 bags, 52,230 pounds, cost.....	3,978.63

CHARGES.

Clearing and denaturing.....	167.4
Cost of lime.....	50.13
Stout bags, packing, weighing, etc.....	320.10
Proportion godown (warehouse), rent.....	90
	628.11
5 per cent commission.....	31.4
	659.15
To which must be added—	
Marine insurance on this additional amount, at 0.60.....	4
Freight on lime (10 per cent), 5,223 pounds, at 57 cents per 100 pounds.....	91.10
	755.9

Cost to us for denaturing, say 18 per cent on original cost of goods.

Also the following taken from the New York Drug Reporter, of January 29, 1906:

TEA SWEEPINGS BILL.

With a view to enabling chemical manufacturers to import tea sweepings, tea waste, etc., for the manufacture of certain products, Senator Cockrell, of Missouri, in the last Congress presented a bill to relieve manufacturers from certain restrictions imposed by the pure-tea act. The bill proposed to add a proviso to the act to the effect that "nothing herein shall affect or prevent the importation into the United States of any merchandise as tea, tea waste, tea siftings, or tea sweepings for the sole purpose of manufacturing theine, caffeine, or other chemical products whereby the identity and character of the original material is entirely destroyed; and that importers and manufacturers who import or bring into the United States such tea, tea waste, tea siftings, or tea sweepings, shall give suitable bond to the United States that such imported material shall be so used under regulations to be prescribed by the Secretary of the Treasury." This bill was referred to the Committee on Finance, but its advocates did not urge it with sufficient vigor to impress the committee with its importance, and it was permitted to die without a report.

Early in the present session Senator STONE, of Missouri, who has succeeded Senator Cockrell, reintroduced the bill and has already succeeded in securing a favorable report thereon, the Treasury Department placing no obstacle in the way of its enactment. The bill is now on the Senate Calendar, and will probably be passed as soon as an opportunity is offered for calling it up.

REPORTS OF COMMITTEES.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 1773) to amend section 3 of an act entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes,'" reported it with an amendment and submitted a report thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (H. R. 9210) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River at or near the Jones Old Ferry, in Geneva County, Ala., reported it without amendment and submitted a report thereon.

Mr. HEYBURN, from the Committee on Public Lands, to whom was referred the bill (S. 134) granting leaves of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902, reported it with amendments and submitted a report thereon.

STENOGRAPHER FOR COMMITTEE ON MINES AND MINING.

Mr. DICK, from the Committee on Mines and Mining, reported the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Mines and Mining be, and the same is hereby, authorized to employ a stenographer, to be paid from the contingent fund of the Senate, at the rate of \$1,020 per annum, said employment to continue during the Sixtieth Congress.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 4301) for the relief of William A. Woodruff, which was read twice by its title and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 4302) authorizing the Secretary of the Treasury to increase the compensation of inspectors of customs at the district of San Francisco, which was read twice by its title and referred to the Committee on Finance.

He also introduced a bill (S. 4303) granting an increase of pension to Henry Cooke, which was read twice by its title and referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 4304) for the relief of Ellis W. Joy, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and referred to the Committee on the District of Columbia:

A bill (S. 4305) providing for the opening of a minor street through square 878 in the District of Columbia:

A bill (S. 4306) providing for the opening of a minor street through square 1020 in the District of Columbia;

A bill (S. 4307) providing for the opening of a minor street through square 801 in the District of Columbia; and

A bill (S. 4308) to restore the name of California avenue to that certain street lying and being in the county of Washington and running from Florida avenue to Nineteenth street NW. and now known as V street.

Mr. RICHARDSON introduced a bill (S. 4309) for the relief of Samuel S. Weaver, which was read twice by its title and referred to the Committee on Claims.

Mr. DIXON introduced a bill (S. 4310) for the relief of George O. Herbert, which was read twice by its title and referred to the Committee on Claims.

Mr. GUGGENHEIM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Lands:

A bill (S. 4311) for the relief of a certain class of desert-land settlers on the public lands;

A bill (S. 4312) for the relief of William E. Moses;

A bill (S. 4313) for the relief of John V. Vickers; and

A bill (S. 4314) for the relief of William E. Moses.

Mr. BURROWS introduced a bill (S. 4315) granting a pension to Lucy E. Suzer, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 4316) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CULBERSON introduced a bill (S. 4317) to provide for the purchase of a site and the erection of a building thereon at Amarillo, in the State of Texas, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4318) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail, which was read twice by its title and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 4319) granting an increase of pension to Blaney C. Allen, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 4320) providing for the establishment of a public park in the District of Columbia, which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. CLARK of Wyoming introduced the following bills, which were severally read twice by their titles and referred to the Committee on the Judiciary:

A bill (S. 4321) to amend section 1076 of the Revised Statutes of the United States, and for other purposes;

A bill (S. 4322) to amend section 14 of the act of March 3, 1887 (24 Stat. L., 505), commonly known as the Tucker Act; and

A bill (S. 4323) providing for the taxation of costs by the Court of Claims.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4324) for the relief of the heirs and estate of William A. Coffman, deceased;

A bill (S. 4325) for the relief of the heirs and estate of Jacob Cook, deceased;

A bill (S. 4326) for the relief of the heirs and estate of Abraham Hisey, deceased;

A bill (S. 4327) for the relief of John S. Mann and heirs and estate of Lewis W. Mann, deceased (with accompanying papers);

A bill (S. 4328) to carry into effect the findings of the Court of Claims in the matter of the claim of the Salem Baptist Church, of Clarke County, Va.;

A bill (S. 4329) to carry into effect the findings of the Court of Claims in the matter of the claim of the Presbyterian Church of Lovettsville, Va.;

A bill (S. 4330) to carry into effect the findings of the Court of Claims in the matter of the claim of the St. Paul Reformed Church, of Woodstock, Va.;

A bill (S. 4331) to carry into effect the findings of the Court of Claims in the matter of the claim of the Lutheran Church of Toms Brook, Va., and others;

A bill (S. 4332) to carry into effect the findings of the Court of Claims in the matter of the claim of the Presbyterian Church of Strasburg, Va.;

A bill (S. 4333) to carry into effect the findings of the Court of Claims in the matter of the claim of St. Thomas Episcopal Church, of Middletown, Va.;

A bill (S. 4334) to carry into effect the findings of the Court of Claims in the matter of the claim of the Methodist Episcopal Church of Middletown, Va.;

A bill (S. 4335) to carry into effect the findings of the Court of Claims in the matter of the claim of Preston Lodge, No. 47, Ancient Free and Accepted Masons, of Jonesville, Va.;

A bill (S. 4336) to carry into effect the findings of the Court of Claims in the matter of the claim of the Mount Zion Church of United Brethren, of Frederick County, Va.;

A bill (S. 4337) to carry into effect the findings of the Court of Claims in the matter of the claim of the Muhlenberg Evangelical Lutheran Church, of Harrisonburg, Rockingham County, Va.; and

A bill (S. 4338) to carry into effect the findings of the Court of Claims in the matter of the claim of the Mount Zion Methodist Episcopal Church (colored), of Middletown, Va.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4339) granting an increase of pension to Henry H. Klock (with an accompanying paper);

A bill (S. 4340) granting an increase of pension to Calvin Gibbons (with accompanying papers); and

A bill (S. 4341) granting an increase of pension to Calvin P. Lynn.

Mr. LA FOLLETTE introduced a bill (S. 4342) granting an increase of pension to Angie E. Kerr, which was read twice by its title and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 4343) for the relief of the heirs of Joseph Medina, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4344) granting an increase of pension to Archibald N. Hogans, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 4345) for the relief of Catherine Grace, which was read twice by its title and referred to the Committee on Claims.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4346) granting an increase of pension to William M. Irvin (with accompanying papers);

A bill (S. 4347) granting an increase of pension to Henry Reynolds; and

A bill (S. 4348) granting an increase of pension to Edward Thompson.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs.

A bill (S. 4349) authorizing the President to promote Capt. James Evelyn Pilcher, United States Army, retired, to the grade of major, United States Army, retired; and

A bill (S. 4350) providing for recognition of meritorious services of persons who served as officers of volunteers during the civil war.

He also introduced a bill (S. 4351) for the relief of the Alaska Pacific Railway and Terminal Company, which was read twice by its title and referred to the Committee on Territories.

Mr. MARTIN introduced a bill (S. 4352) granting an increase of pension to Jennie Ann Metzinger, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 4353) for the relief of Col. Littleton W. T. Waller, United States Marine Corps, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. BULKELEY introduced a bill (S. 4354) to amend the national-bank act in regard to reserve deposits, which was read twice by its title.

Mr. BULKELEY. If the Senate will permit me, I will state the object of the bill. In connection with whatever emergency circulation bill the Senate may hereafter adopt, I feel that a measure of this character will have as great an influence for the help of the financial institutions of the country in case of a panic as any emergency bill which we may pass. The object is to increase the reserve held in reserve and central reserve cities by national banks depositing a part of their reserve in those cities, and to prevent the payment of interest on such deposits where such deposits are counted as a part of the lawful money reserve of the depositing banks.

I move that the bill be referred to the Committee on Finance. The motion was agreed to.

Mr. BULKELEY introduced the following bills, which were severally read twice by their titles and referred to the Committee on the Judiciary:

A bill (S. 4355) granting an increase of compensation to circuit judges of the United States; and

A bill (S. 4356) granting an increase of compensation to district judges of the United States.

Mr. CULLOM introduced a bill (S. 4357) for the relief of the heirs of Leon Frank, deceased, which was read twice by its title and, with an accompanying paper, referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4358) granting an increase of pension to Isaac B. Doolittle; and

A bill (S. 4359) granting an increase of pension to William T. Johnson.

Mr. SMITH introduced a bill (S. 4360) to provide for the erection of a public building at Agricultural College, Michigan, and the establishment of a Weather Bureau station therein, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. DOLLIVER introduced a bill (S. 4361) to provide for compulsory education of the native children of Alaska, and for other purposes, which was read twice by its title.

The VICE-PRESIDENT. The bill will be referred to the Committee on Education and Labor.

Mr. BEVERIDGE. Before the reference is made, I should like to ask the Senator from Iowa whether he desires to have the bill referred to his committee? It should properly go to the Committee on Territories, although we have no particular desire to take up the question of the compulsory education of the Eskimo children in Alaska. Still, in the ordinary course, there is where the bill belongs.

Mr. DOLLIVER. The Committee on Education and Labor has no desire to contest the question of reference with the Senator's committee.

The VICE-PRESIDENT. The bill will be referred to the Committee on Territories.

Mr. BANKHEAD introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 4362) for the relief of James Henry and Porter Henry;

A bill (S. 4363) for the relief of Jefferson Phillips; and

A bill (S. 4364) for the relief of the estate of Sylvia Cannon, deceased.

Mr. SIMMONS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 4365) to provide for the purchase of a site and the erection of a public building at Greenville, N. C.;

A bill (S. 4366) to provide for the purchase of a site and the erection of a public building at Monroe, N. C.;

A bill (S. 4367) to provide for the purchase of a site and the erection of a public building at Henderson, N. C.;

A bill (S. 4368) to provide for the purchase of a site and the erection of a public building at Wilson, N. C.;

A bill (S. 4369) to provide for the purchase of a site and the erection of a public building at Tarboro, N. C.; and

A bill (S. 4370) to provide for the purchase of a site and the erection of a public building at Rocky Mount, N. C.

Mr. RAYNER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4371) for the relief of Abner C. Proctor; and

A bill (S. 4372) for the relief of the trustees of the Methodist Episcopal Church of Middletown, Md.

Mr. CLAY introduced a bill (S. 4373) for the relief of the estate of John McCullough, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 4374) to amend an act entitled "An act to provide for the sale of the lands of the United States containing coal," which was read twice by its title and referred to the Committee on Public Lands.

Mr. WHYTE introduced a bill (S. 4375) authorizing the Takoma Springs Ice Company to lay a pipe line under certain streets and roads in the District of Columbia, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. NELSON introduced a joint resolution (S. R. 37) dis-

proving certain laws enacted by the legislative assembly of the Territory of New Mexico, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. SMITH introduced a joint resolution (S. R. 38) granting to the State of Michigan permission to use for its own purposes unused portions of condemned cannon granted to that State by joint resolution of June 23, 1906, which was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DIXON submitted an amendment proposing to appropriate \$60,000 for expense of surveys, allotment of lands to Indians, salaries and expenses of the commission heretofore appointed for the classification of the Flathead Indian Reservation lands, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$1,200 for the construction of a suitable fence of iron and steel about the monument erected in 1883 on the Big Hole battlefield, Montana, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

CACHE RIVER BRIDGE, ARKANSAS.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill (H. R. 12412) to authorize the Missouri and North Arkansas Railroad Company to construct a bridge across Cache River, in Woodruff County, Ark. I make the request at this time because it is difficult to find an opportunity to do so while the bill for the revision of the criminal code is pending. I understand the ruling of the Chair is that we can not disturb that measure by a request of this character.

The VICE-PRESIDENT. If the Senator from Arkansas will withhold his request until after the routine morning business is closed, the Chair will recognize the Senator.

Mr. CLARKE of Arkansas. Very well.

INTERNATIONAL HARVESTER COMPANY.

Mr. HANSBROUGH. I offer a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Department of Commerce and Labor be, and is hereby, directed to suspend its investigation into the affairs of the International Harvester Company, under the terms of a resolution authorizing such an investigation which passed the Senate December 17, 1906.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. HANSBROUGH. Mr. President, on the 17th of December, 1906, I presented a resolution, which was passed by the Senate, directing the Department of Commerce and Labor to make an investigation of the affairs of the International Harvester Company. In the regular course of business I anticipated that when this Congress convened in December we would have a report from that Department; but in view of the fact that the Department has been very much engaged in other branches of investigation, I suppose it has not had time to give proper attention to the resolution in question.

I was not aware when I introduced the resolution that the Department of Justice was engaged in an investigation of this harvester company, and I did not know until a few days ago that the Department of Justice had recently completed an investigation of this trust and was in a position to proceed against it in the courts.

Upon making inquiry concerning the matter, I found that the Department of Justice hesitated to begin proceedings, in view of the fact that the Department of Commerce and Labor is engaged in the investigation directed by the Senate. As it is entirely unnecessary that two Departments should both be devoting their time and attention to this concern, I have offered the resolution which has been read at the desk in order to relieve the Commerce and Labor Department of further responsibility, so as to permit the Department of Justice to proceed against the trust under the investigation which has been made, and which I am advised is now completed.

Mr. BEVERIDGE. What is the purpose of the resolution?

Mr. HANSBROUGH. I stated that the Department of Justice has but recently completed an investigation of this harvester trust and is ready to proceed in the courts against it, and that the only obstacle to this action is the pending investigation in the Department of Commerce and Labor, which I now propose by this resolution to relieve that Department of.

Mr. BEVERIDGE. May I ask the Senator why the investigation which the Department of Commerce and Labor is making would be any obstacle whatever to the Department of Justice

in proceeding upon the facts which it has ascertained? On the contrary, strictly—

The VICE-PRESIDENT. The Chair would call the attention of Senators to the necessity of addressing the Chair, for the Reporters can not hear them unless they do so.

Mr. HANSBROUGH. There is a certain comity existing between the various Departments of the Government, and in view of the fact that the Department of Justice is aware that the Department of Commerce and Labor is investigating this monopoly, it hesitates to proceed until that investigation is finished or suspended.

Mr. BEVERIDGE. Mr. President, I must confess that as I have listened to the Senator the two statements do not appear to me to harmonize. Why the Department of Justice would not act until the Department of Commerce and Labor had completed its investigations ordered by resolution of the Senate could not be upon the theory of comity, but upon the theory that it might be possible that the investigation by the Department of Commerce and Labor would reveal facts which would prevent the Department of Justice from proceeding with its prosecution. If that is true, then the investigation should proceed.

If, on the contrary, the investigation would reveal still more facts which would give the Department of Justice still more ammunition, then still more should the investigation by the Department of Commerce and Labor proceed. If the Department of Justice feels that it has abundant material upon which to proceed against the harvester company, it could not possibly be hurt, but would certainly be helped in that prosecution by any further facts that would be brought out by this investigation, unless the investigation should disclose facts which would raise a doubt in the mind of the Department of Justice whether or not it should proceed in its prosecution. In either event, the present investigation can result only in more of the truth being known, more light thrown on the whole subject. I must say that, upon the statement of the Senator, it seems to me that the investigation should proceed. No hurt can come from it; great help may come from it. Injustice can not be done by it; justice may be furthered by it.

I am not particular about the matter, but that is the way it appears to me.

Mr. CLARK of Wyoming. I should like to ask a question of the Senator from North Dakota. Is the Department of Commerce and Labor cognizant of the proposed action? As I understand it, the Department of Commerce and Labor is now proceeding in the investigation of this matter.

Mr. HANSBROUGH. Directed by the Senate—

Mr. CLARK of Wyoming. Directed by the Senate.

Mr. HANSBROUGH. More than thirteen months ago.

Mr. CLARK of Wyoming. I so understood the Senator. Now, I ask, is the Department of Commerce and Labor at present advised of the action proposed to be taken by the Senate in discontinuing the investigation?

Mr. HANSBROUGH. Mr. President, I did not consider it necessary to advise the Department of Commerce and Labor of my intention to offer the original resolution directing the investigation.

Mr. CLARK of Wyoming. I understand that.

Mr. HANSBROUGH. I will answer the Senator. In view of the fact that the Department of Justice, as I am advised, has made a complete investigation and is ready to proceed in the case, I did not consider it necessary to consult with the Department of Commerce and Labor on the subject.

Mr. CLARK of Wyoming. It occurred to me, if the Senator will pardon me a moment longer, that we ought not to play with one of the great Departments of the Government; that not only having requested that Department, but having commanded that Department to make this investigation, we ought not to halt the Department in making it before it has had an opportunity to make its investigation and come to a conclusion.

Mr. HANSBROUGH. Now, Mr. President—

Mr. CLARK of Wyoming. Just one moment, and then I am through. The further theory that is urged hardly seems to be tenable, as has been stated by the Senator from Indiana. I can not conceive that the Department of Justice, having convinced itself that a corporation or a trust or any other person has deliberately violated the law of the land, would be halted in its efforts to bring that corporation to justice from the simple fact that another Department of the Government was investigating the same party.

Mr. BEVERIDGE. I wish to ask the Senator from North Dakota another question.

The VICE-PRESIDENT. Does the Senator from North Dakota yield?

Mr. HANSBROUGH. I yield to the Senator from Indiana.

Mr. BEVERIDGE. It is suggested by the question asked by the Senator from Wyoming. I ask the Senator whether his action this morning is taken at the request of the Department of Justice?

Mr. HANSBROUGH. My action this morning is not taken at the request of anyone, but it is taken after due inquiry as to the ability and readiness of the Department of Justice to proceed in this case. I am satisfied that the Department is not only ready but anxious to go ahead, and it should be permitted to proceed without hindrance from any source.

Mr. BEVERIDGE. But still, Mr. President, the more I think about it the clearer it becomes that the Department of Justice would certainly be aided by the work which the Department of Commerce and Labor has been doing and which it has not yet completed. It is strange to my mind that the Department of Justice would not want all the assistance that it could get. Whichever view it takes, if it feels that it has enough facts and that this further investigation would reveal more facts, then it will be assisted. If it feels that this investigation will disclose facts upon which it ought not to proceed, then it will be benefited. In either case the course of justice will be served.

I was very profoundly impressed by the suggestion of the Senator from Wyoming as to why, after a Department under order from the Senate has proceeded for months in an investigation, it should suddenly be halted before its work is finished and all the work already done completely wasted.

Mr. HANSBROUGH. I do not know that the Department of Commerce and Labor has done anything whatever in the direction of making the investigation in question. It is enough for me to know that the Department of Justice is satisfied that it has sufficient facts upon which to proceed.

Mr. BEVERIDGE. Will it hurt it to have more facts?

Mr. HANSBROUGH. How does the Senator from Indiana know that the Department of Commerce and Labor can supply the Department of Justice with more facts?

Mr. BEVERIDGE. And how does the Senator from North Dakota know that it can not? That is the point.

Mr. HANSBROUGH. When the Department of Justice tells me that it has sufficient facts upon which to proceed, that is conclusive to my mind.

Mr. BEVERIDGE. Has the Department of Justice told the Senator that it did not want any more facts?

Mr. HANSBROUGH. Mr. President, that is rather begging the question, it seems to me.

Mr. BEVERIDGE. No, it is not.

Mr. HANSBROUGH. Now, I ask the Senator from Indiana, Does he oppose the beginning of suits under existing law against this combination, the International Harvester trust?

Mr. BEVERIDGE. On the contrary, I favor the beginning of suits against any wrongdoer at any time. I see no reason, Mr. President, why the Department of Justice, charged with the execution of the law, should not proceed when it itself says that it has sufficient facts and does not want any further facts that an additional investigation might develop. The Senator has not yet shown any reason why the Department of Justice should not proceed at any time it sees fit.

Mr. HANSBROUGH. I think I have shown conclusively—

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. HANSBROUGH. In just a minute, please. I think I have shown conclusively that the Department of Justice is satisfied, and that is the Department which must take hold of this matter and handle it through the courts when it is satisfied that it has sufficient information upon which to proceed.

Mr. GALLINGER. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from New Hampshire rises to a point of order, which he will state.

Mr. GALLINGER. I desire to know what is the question before the Senate.

The VICE-PRESIDENT. The resolution submitted by the Senator from North Dakota [Mr. HANSBROUGH].

Mr. HANSBROUGH. The resolution is in order, is it not, Mr. President?

The VICE-PRESIDENT. The Senator from North Dakota submitted the resolution and asked unanimous consent for its present consideration. After the resolution had been read for the information of the Senate the Chair asked if there was objection, and no objection was interposed. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. HANSBROUGH. I yield to the Senator from Oregon.

Mr. FULTON. Mr. President, the Senator has stated several

times that the Department of Justice has sufficiently investigated this question to satisfy itself that it should take action, but I do not understand whether the Senator has said that the Department of Justice states that it is delayed in taking action by reason of the continuance of the investigation by the Department of Commerce and Labor.

Now, if the Department of Justice is in possession of facts which it deems sufficient to authorize it to proceed, and is willing to say that it can not proceed and believes it ought not to proceed unless the investigation by the other Department shall stop, I can see reason for the action proposed to be taken by the Senator. But unless the Department of Justice shall make that contention there does not seem to me to be any reason to stop the Department of Commerce and Labor from pursuing the investigation.

Mr. HANSBROUGH. I supposed I had made myself thoroughly understood on that point. I had said in words as strong as I know how to use them that the Department of Justice, according to the best advices I have—and my advices are very good—has stated that it hesitates to proceed with this case while an investigation is pending in another Department. At the same time the Department of Justice assures me that it has sufficient information upon which to proceed.

Mr. BEVERIDGE. Mr. President—

Mr. HANSBROUGH. Now, right here, if there was any possible way of ascertaining how long the Department of Commerce and Labor proposed to continue the investigation, or if we had any assurance that it would continue it and bring a report into this body at an early date, I should not be pressing this matter. But, Mr. President, I do not believe that this Congress, or at least this winter's session of the Congress, will see a report from the Department of Commerce and Labor, on account of the fact that that Department has been very busily engaged with other investigations. It is most important to the great grain-growing interests of the country that there should be no further delay.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. HANSBROUGH. I yield for a question.

Mr. BEVERIDGE. Then, if the Senator yields for a question, I will repeat the question asked by the Senator from Oregon, and which the Senator, if he will pardon me, did not answer. Why does the continuance of the investigation by the Department of Commerce and Labor delay the Department of Justice from doing its duty, which it says it is already prepared to do? Why should there be delay? If the Senator has explained that, I have not been able to understand it. I think the Senator from Oregon [Mr. FULTON] has put his finger upon the weak point in this resolution. The Senator did not explain why the Department of Justice is delaying and why it does not proceed. What matter is it to the Department of Justice, if it is ready to proceed, whether the Department of Commerce and Labor has made its report or not, will complete it, or never completes it? If it is ready to go ahead, why is it delayed by the other investigation? That is the weak point in the Senator's resolution.

Mr. HANSBROUGH. Mr. President, I greatly regret that I have not been able to make the distinguished Senator from Indiana understand the situation. I will restate the case for his benefit. I stated a while ago that there is a certain amount of comity existing between Departments, as there is existing between the Departments and the legislative branch of the Government. If a resolution or a bill were pending here or in the other branch of Congress that affected some duty which was to be performed by an administrative branch of the Government, undoubtedly that administrative branch would hesitate to proceed to perform that duty until that measure had been acted upon by this body or the other House.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. FULTON. I wish to ask the Senator a question.

Mr. HANSBROUGH. I yield to the Senator for a question.

Mr. FULTON. If I understand the Senator correctly, it is a comity which rests in tradition that when one Department is pursuing a certain investigation the other Department, although the law requires it to enforce the law, will not proceed. I suggest, then, to the Senator that he amend his resolution and make it read "that the Department of Justice is instructed to proceed and prosecute this case, if it deems it has sufficient evidence, without regard to the investigation being prosecuted by the Department of Commerce and Labor," and thus relieve the Department of Justice from that embarrassment.

Mr. HANSBROUGH. If, as the Senator says, the Depart-

ment of Justice has legal authority to proceed, why should we give it additional authority?

Mr. BEVERIDGE. If it has legal authority to proceed—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. HANSBROUGH. For a question.

Mr. BEVERIDGE. If it has legal authority to proceed and the facts on which to proceed, I will ask the Senator whether it is not its legal duty to proceed and whether comity (I do not understand comity between Departments; I understand comity between States) can in any wise stand in the way of the Department of Justice or any of the other Departments in doing justice under the law?

Mr. HANSBROUGH. It is quite clear that I will be unable to make my friend from Indiana understand my point of view.

I desire now, Mr. President, to say a further word on this subject. The International Harvester trust was organized in August, 1902. There were at that time some eight or ten separate companies engaged in the manufacture of harvesting machinery. About that time an effort was made to get these different constituent companies together, to consolidate them. That effort was finally successful, and eight of the constituent companies went into this International Harvester trust.

The International Harvester Company was organized under the laws of the State of New Jersey with a capital of \$120,000,000. About the same time the International Harvester Company of America, with a capital of \$1,000,000, was organized under the laws of the State of Wisconsin by the same men, the stock of the smaller company being held by the larger one. It was clearly the purpose of this monopoly, of this combination, to evade the Federal law by having the manufacturing company organized under the laws of one State and the distributing or selling company organized under the laws of another State.

Mr. President, at the time that this monopoly was created the average price of a self-binder to a farmer in my part of the country was from \$95 to \$105. To-day the same machine costs the farmer \$145, or it did last year, and I am advised that the monopoly has put the price of machines for the present year at \$150.

That is not all, Mr. President. The International Harvester Company obtained control and a monopoly over most of the ingredients entering into the manufacture of binding twine, so that the farmer who purchased his binding machinery of the trust must also buy his binding twine of the trust.

And that is not all. They have obtained control over several manufacturing establishments devoted to the making of gasoline engines, an establishment devoted to the manufacture of cream separators, and one engaged in the manufacture of manure spreaders. They have also secured a monopoly of the harness business, as well as of other necessary articles that the farmers of the country must buy; and all these articles have been advanced in price in keeping with the price that the trust has put upon its harvesting machinery.

Mr. President, in my own State of North Dakota, which produces over \$100,000,000 worth of grain every year—wheat, barley, oats, and flax—the farmers are obliged to purchase somewhere near 10,000 binders every year. The price of these binders has been advanced since 1902 from about \$100 to about \$150. Senators can easily calculate the amount of tribute that the farmers of my State alone are obliged to pay to this monopoly.

It is the purpose undoubtedly of the International Harvester Company to extend its operations to every class of farm machinery—to wagons, to buggies, to plows—until it controls every implement that the American farmer must have to carry on his business, and it is this thing, Mr. President, of which I complain. It is for this reason that I am anxious that the Department of Justice shall be allowed to proceed without delay in this matter.

At this very hour, Mr. President, this monopoly in farming implements is taking a hand in the politics of the State of North Dakota. It is laying its wires at this moment, through its trusted political agents, to capture and control the delegates who will represent that State in the next Republican national convention. Not alone this, but the edict has gone forth from this monopoly that I am to be defeated for the United States Senate because I had the temerity to offer a resolution of investigation here.

Mr. President, the political fortunes of the individual are as but a grain of sand compared with the mountain of injustice that can be wrought by an institution of this kind. I accept the challenge of this monopoly, and am ready to meet it in political combat in the State of North Dakota. If the people of my

State desire to have the politics of the State controlled by a monopoly of this kind, then, Mr. President, they do not want me in this body as one of their Senators.

I now ask for a vote on the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. GALLINGER. Let the resolution be again read, Mr. President.

The VICE-PRESIDENT. The Secretary will again read the resolution at the request of the Senator from New Hampshire.

The Secretary again read the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. CLAY. I object to the present consideration of the resolution, Mr. President.

The VICE-PRESIDENT. The Senator's objection comes too late. The resolution is before the Senate by consent of the Senate. The Chair put the question of consideration when the resolution was read to the Senate, as requested by the Senator from North Dakota [Mr. HANSBROUGH].

Mr. HOPKINS. Mr. President, I rise for information. Is the investigation which is being carried on by the Department of Commerce and Labor being conducted under the authority of the Senate?

Mr. HANSBROUGH. Evidently the Senator from Illinois was not in the Chamber at the beginning of this discussion.

Mr. HOPKINS. No; I have just come into the Chamber.

Mr. HANSBROUGH. Then, I will state for the information of the Senator that the investigation which is supposed to be in progress by the Department of Commerce and Labor was authorized by the Senate over thirteen months ago under a resolution which I introduced here and which was passed on the 17th of December, 1906. A few days ago I was advised that the Department of Justice, which has been making an exhaustive investigation of this matter on its own account and in its own quiet way, had completed the investigation and was ready to proceed in the courts against this monopoly. So I desire by the passage of this resolution to relieve the Department of Justice from any embarrassment that may exist in view of the investigation which the Department of Commerce and Labor is supposed to be making.

Mr. HOPKINS. Mr. President, the only suggestion I have to make is that if the Department of Commerce and Labor has started on this investigation, some communication ought to be had to learn what investigation has been made, how far it has gone, or how near it is to being ready to make a report. This is pretty summary action on the part of the Senate, it seems to me, toward one of the great Departments of the Government.

All I know on this subject is what I have seen from time to time in the newspapers. I judge from the reports that I have noticed in the papers that this Department has been vigorous and energetic in the investigation, that the Department has gathered a large amount of information, and is about ready to make an exhaustive report that will not only be of benefit to the Senate itself, but of great benefit to the general public. I think we ought to be a little slow in adopting such a resolution as this at this time without any communication whatever, either directly or indirectly, with the Department that has been considering the subject.

Mr. HANSBROUGH. Mr. President, it seems to me that, in view of the fact that the Senate of the United States gave the authority and directed this Department to make the investigations, it has the right to relieve the Department of all responsibility on that subject.

Mr. BACON. I should like to know—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. HANSBROUGH. I do.

Mr. BACON. I should like to ask the Senator from North Dakota, in furtherance of the suggestion made by the Senator from Illinois [Mr. HOPKINS], if he has any information as to the degree that the Department of Commerce and Labor has progressed in this investigation and how near it may be to a conclusion?

Mr. HANSBROUGH. Mr. President, I have not any official information on the subject, but I have sufficient information to lead me to believe that the Department of Commerce and Labor would be very glad to be relieved from this investigation.

Mr. BACON. Well, Mr. President, if the Senator has information of that kind, it ought to be somewhat official, and not simply an impression which he may have.

I should like to ask the Senator another question, because I desire to vote with some degree of satisfaction to myself upon the question. In what way will further investigation by the

Department of Commerce and Labor interfere with the action of the Department of Justice? If it be true—and I have no doubt it is true, and I entirely sympathize with the utterances of the Senator as to the oppression of this trust—if it be true that the Department of Commerce and Labor is making an investigation the results of which it is important we should know, in what way will that interfere with the Department of Justice in the progress of its work?

Mr. HANSBROUGH. Mr. President, I have stated, in answer to the question asked by the Senator from Indiana [Mr. BEVERIDGE] several times this morning, that the Department of Justice has but recently completed a very exhaustive investigation of this company; that it is ready to proceed in the courts, and that the only reason it does not proceed is on account of the courtesy—to use a different term, so that my friend from Indiana may comprehend it—the courtesy that is supposed to exist between the several Departments.

Mr. BACON. But has the Senator from North Dakota information that the Department of Justice is suspending its operations in order that it may await the action of the Department of Commerce and Labor in response to the direction of this body?

Mr. HANSBROUGH. No, Mr. President; not that it is suspending its operations, but that it prefers to proceed without interruption such as a report from another Department might cause. The Department of Justice has an abundance of information already.

Mr. BACON. If there is nothing of the kind, then, I do not see how it can interfere.

Mr. HANSBROUGH. I have stated that the Department of Justice is ready to proceed with the case; that it has gathered enough information to justify it going on with the prosecution, and that the only thing which prevents that action is the fact that an investigation of the same subject is supposed to be in progress by the Department of Commerce and Labor.

Mr. BACON. Mr. President—

Mr. BEVERIDGE. I ask the Senator if it is a matter of duty or of courtesy?

Mr. HANSBROUGH. The Senator may call it "courtesy" or "duty," as he pleases. I am stating the facts as I understand them.

Mr. BACON. I want to know from the Senator if he has any official information that the Department of Justice is suspending its action in beginning this prosecution on account of the pendency of this resolution?

Mr. HANSBROUGH. I will state to the Senator from Georgia that the Department of Justice knows nothing of the existence of this resolution.

Mr. BACON. That the Department of Justice is not proceeding because of this resolution? Has the Senator any official information of that fact?

Mr. HANSBROUGH. I have told the Senator from Georgia as clearly as I knew how, and I stated to the Senator from Indiana [Mr. BEVERIDGE], but I seem to be unable to make either one of the Senators understand, that the Department of Justice is ready to proceed if the Department of Commerce and Labor be relieved of the responsibility of further investigation.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. HANSBROUGH. For a question.

Mr. CLAPP. The question has been asked here, if my memory is not treacherous, twenty-seven times, but the Senator from North Dakota does not seem to me to directly answer it, whether the Senator from North Dakota knows or assumes that the Department of Justice will not proceed while the Department of Commerce and Labor is investigating this subject; or does he know from the Department of Justice that that Department is in fact awaiting some action on the part of the Department of Commerce and Labor?

Mr. HANSBROUGH. Mr. President—

Mr. CLAPP. Just a moment. If that is true, I think perhaps we ought to pass the resolution; if it is not true, I think it would be most remarkable to stop the investigation by a great Department of the Government, and then, without any consultation with that Department, recall the matter without knowing how far the investigation may have proceeded.

Mr. HANSBROUGH. Mr. President, the Department of Justice is not awaiting action on the part of the Department of Commerce and Labor. On the contrary, the Department of Justice would be very glad if the Department of Commerce and Labor were relieved from the further investigation, so that the Department of Justice might go on and make the investigation.

Mr. BACON. How does the Senator know that fact?

Mr. HANSBROUGH. Mr. President, I would hardly come

into this Chamber with a proposition so serious as this if I did not know what I was talking about. I do not know that I am obliged to tell the Senate or the Senator from Georgia particularly what my conversation has been with officers of the Department of Justice. I state to the Senator that I know the Department of Justice is ready to proceed with this case, and that the only reason why it does not proceed is because of the pending investigation in the Department of Commerce and Labor.

Mr. CLAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. HANSBROUGH. For a question.

Mr. CLAY. Does the Senator from North Dakota undertake to tell the Senate that the Department of Justice has investigated the conduct of this trust; that it finds that it has violated the antitrust laws of the country; that it intends to proceed against this trust for a violation of the law and has not done so solely for the reason that a resolution has been passed authorizing the Department of Commerce and Labor to make an investigation?

Now, let me ask the Senator, is it not true that it is the duty of the Department of Justice to investigate all violations of the antitrust law and to proceed to enforce the law regardless of any resolution of the Senate?

Mr. HANSBROUGH. Mr. President, that is precisely what I desire to have the Department of Justice do. The question of whether this harvester trust has violated the law is one, I think, which the Senator from Georgia will concede belongs to the courts to decide. The question of proceeding in the courts to ascertain that fact belongs to the Department of Justice, and the Department of Justice is ready to do that thing.

Mr. CLAY. Let me ask the Senator—

The VICE-PRESIDENT. Does the Senator from North Dakota further yield to the Senator from Georgia?

Mr. HANSBROUGH. Yes.

Mr. CLAY. Thirteen months ago this Senate passed a resolution instructing the Department of Commerce and Labor to make this investigation?

Mr. HANSBROUGH. Yes.

Mr. CLAY. That resolution states the reasons why it ought to be made. Now, the Department of Commerce and Labor has made a partial investigation. If this resolution introduced by the Senator should be adopted, it would be construed as meaning that the Senate does not desire any further investigation made into the conduct of this company; it would be simply construed that we wanted the investigation stopped; that the Senate did not believe there was anything in the former resolution, and the resolution, if adopted by the Senate, in my opinion would put the Senate in an improper light.

Mr. HANSBROUGH. Mr. President, I entirely disagree with the Senator. If I had been aware that the Department of Justice was making an investigation of the harvester trust, I would not have offered the original resolution; but it having come to my knowledge within the last few days that the Department of Justice has made that investigation and is ready to proceed, I am endeavoring here to remove the obstruction and allow it to proceed in the interest of the American farmer. That is all there is to this question. This resolution is in the interest of progress. It is intended to hasten and facilitate the commencement of the forthcoming suit by the Government.

Mr. HOPKINS. I ask for the reading of the resolution, Mr. President.

The VICE-PRESIDENT. The Secretary will again read the resolution at the request of the Senator from Illinois.

The Secretary again read the resolution.

Mr. HOPKINS. Mr. President, I move as a substitute that the Department of Commerce and Labor be requested to make a report to the Senate as to what progress has been made under the resolution therein named, and how long before the Department will be ready to make a full and complete response to the resolution.

I do that for this reason, among others: This subject has been given to one of the great Departments of the Government. The officer in charge of that Department, in my judgment, has discharged his duties in a manner that is not only creditable to the Department itself, but to the country; and to pass the resolution as proposed by the Senator from North Dakota would be a reflection upon him that is not only unwarranted, but I think it would be an entirely undignified action for the Senate to take. It would be a most extraordinary proceeding for this body at this stage to adopt a resolution of that kind without giving the officer in charge of the investigation an opportunity to show to the Senate and the country what he has done.

I do not sympathize with the statement made by the Senator

from North Dakota that the Department of Justice can not proceed so long as this investigation is going on in the Department of Commerce and Labor. There is absolutely no connection between the two Departments. As was well said by the Senator from Georgia [Mr. CLAY], the law requires that the Department of Justice shall see that the laws that are upon the statute books of our country shall be obeyed. If the Department of Justice, as the Senator from North Dakota [Mr. HANSBROUGH] has said again and again here, has information that the International Harvester Company is a violator of the law, then it is the duty of the Attorney-General, without waiting upon the Senate or the House, to enforce the law, and it is his duty to do it without waiting upon the action of any other Department. I think that the Attorney-General will discharge his duty regardless of any action of the Senate. I believe that he is a faithful and conscientious administrator of that great Department, and it is not necessary for the Senate to take the proposed action here in order to relieve the Department of Justice. Certainly I trust that my substitute will be adopted, so that we can obtain the information from the Department of Commerce and Labor without casting the reflection upon it that we will if the resolution as it now stands be adopted.

Mr. HANSBROUGH. Mr. President, the Senator from Illinois was not in the Chamber when I stated several times this morning that there exists between the several Departments of the Government a certain amount of comity or courtesy, the same as there exists between the Departments and the legislative branch. For instance, if there were a bill or a resolution pending in this body directing a Department to do a certain thing and that bill had not been acted upon, the Department would not be likely to proceed to do that thing until action was taken upon the bill or resolution. There is a comity and courtesy existing between the different Executive Departments, as there is between the Departments and the legislative branch.

I will say to the Senator again that I believe the Department of Justice wants to proceed with this case, because, as I am advised, they have ample information upon which to proceed. Why should we continue a double investigation and have two Departments engaged on it instead of one?

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. HANSBROUGH. Certainly.

Mr. HOPKINS. There is no relation between the two Departments on this subject. The laws are upon the statute books and the Department of Justice is established for the purpose of seeing that the laws shall be obeyed. As I remarked a moment ago, it is the duty of the Attorney-General to proceed whenever that Department is advised that the law has been violated.

The resolution that was adopted thirteen months ago is a resolution that directed the Department of Commerce and Labor to give the Senate of the United States certain information. We want that information, regardless of what may be done by the Department of Justice. I fail to see why that Department should refrain from taking action simply because the Senate has asked for this information.

Mr. HANSBROUGH. I hope the Senator's substitute will be voted down. In my judgment, there ought not to be any further delay in this matter.

Mr. STONE. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. HANSBROUGH. I yield for a question.

Mr. STONE. Well, for a question. It does not seem to me, Mr. President, if the Senator will permit me to say so—

Mr. HANSBROUGH. I yield to the Senator.

Mr. STONE. It does not seem to me that there is any such comity or relation of courtesy between two Departments as ought to delay action on the part of the Department of Justice. If any such condition as that detailed by the Senator from North Dakota, apparently on his own knowledge of the facts, exists—and no doubt it does—then the Department of Justice ought to proceed on its own motion instantly; but, with the facts in its possession, if it does not do so or has not done so, then it seems to me that the time has come when there ought to be some inquiry into and about the Department of Justice itself.

Mr. HANSBROUGH. Let me say to the Senator from Missouri that, if we pass this resolution and the Department of Justice in due time does not proceed, I shall join the Senator in another resolution directing it to proceed.

Mr. STONE. But I rose more particularly, Mr. President, to address an inquiry to the Senator from North Dakota, who seems to have looked into the subject with great care. He says, as I understand the matter, that there is a monopoly, or what

ordinarily is termed a trust, in the manufacture and disposition of agricultural machines of a certain character—harvesting machines particularly. If there is such a trust, such a monopoly, I am curious to know from the distinguished Senator if he cares to tell me what, in his opinion, is the cause or basis for that trust and what has led up to it? Is there any law of this country or any public policy under which its organization is made possible or more easy? The Senator says that such machines have been extravagantly advanced in price within recent months—the one he instanced having been advanced from \$100, at which it was sold not long since, to \$150 now. Does he know, as I am told it is the fact, that machines of that character are sold across the border in Canada and in the States of Central and South America for about one-half the price at which they are sold to the farmers of North Dakota and Missouri? Can the Senator inform the Senate, or at least gratify my curiosity, by telling me what, in his opinion, is the main cause for the existence of this trust? To be specific, I will ask him to what extent does he think the tariff duties imposed upon the importation of agricultural machinery have had to do with it?

Mr. HANSBROUGH. Mr. President, I had hoped that we would avoid a partisan discussion on this matter. I think the Senator from Missouri and myself are very much of the same opinion about this combination; and at some future time, when we get around to revising the tariff, if I am a member of this body and the Senator is a member of it—and I hope he will be—I will be very glad to discuss the tariff phases of this case.

Mr. STONE. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. HANSBROUGH. Yes; for a question.

Mr. STONE. If the Senator will permit me, if we are to judge by things that have happened and are happening, it is questionable whether the Senator from North Dakota or I or any of us will be members of this body when we come to revise the tariff and correct these evils. [Laughter.]

Mr. HANSBROUGH. Mr. President, as a Republican, I think I can assure the Senator that the tariff schedules will be revised along about the month of April, 1900.

Mr. STONE. Mr. President, will the Senator oblige me by answering the particular question I put to him a while ago, just for my information?

Mr. HANSBROUGH. I should like to have the Senator state the question again more explicitly.

Mr. STONE. What does the Senator think is the chief cause for the existence of this miserable monopoly that is grinding the life out of the farmers of North Dakota and Missouri and all the other agricultural States of the Union?

Mr. HANSBROUGH. Mr. President, I do not think that the tariff is the cause.

Mr. STONE. Then what is the cause?

Mr. HANSBROUGH. The ability of a great aggregation of capital in greedy hands to monopolize a certain line of manufacture.

Mr. STONE. Does the Senator think that if machinery of this kind could be imported into this country without a prohibitory tariff it would have no effect upon this monopoly?

Mr. HANSBROUGH. Mr. President, I do not know that harvesting machines are made abroad. I do not believe they are; but if they are, I doubt if you could find an American farmer anywhere that would use a foreign-made harvesting machine.

Mr. STONE. Mr. President, I should like to ask the Senator if he desires to maintain a duty on productions of this kind in the interest of a monopoly, that it may shelter itself behind the law and plunder his constituency and mine?

Mr. HANSBROUGH. Mr. President, if I thought—

The VICE-PRESIDENT. The Chair will suggest to Senators—

Mr. HANSBROUGH. Just one moment.

The VICE-PRESIDENT. The Chair will suggest to Senators that they address the Chair—

Mr. HANSBROUGH. I think I have the floor—

The VICE-PRESIDENT. And not proceed until they have the recognition of the Chair.

Mr. HANSBROUGH. Mr. President, I supposed I had the floor.

The VICE-PRESIDENT. The Senator had yielded to the Senator from Missouri, the Chair understood.

Mr. HANSBROUGH. Only for a question.

The VICE-PRESIDENT. The Chair recognizes the Senator from North Dakota.

Mr. HANSBROUGH. Mr. President, I was about to say to the Senator from Missouri that I do not believe the tariff upon the articles that are used in the manufacture of harvest-

ing machines has anything to do with the excessive prices which are being charged to the American farmers to-day.

Mr. FULTON. Mr. President, I suggested to the Senator a while ago that it seemed to me that all he desires to accomplish could be accomplished by amending his resolution so that it would read that "the comity which has so happily existed between these two Departments would not, in the judgment of the Senate, be disturbed if the Department of Justice were to proceed with this prosecution."

But, Mr. President, it does not seem to me that we ought, without further investigation, to vote on this resolution. It is a very serious matter to submit a question of this importance to a Department and then while the investigation is pending to withdraw it from the Department; and I shall not be content to do it unless it is investigated by a committee. Therefore I move that the resolution be referred to the Committee on Agriculture and Forestry.

Mr. HANSBROUGH obtained the floor.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. BEVERIDGE. I do not desire to interrupt the Senator.

Mr. HANSBROUGH. I can not yield just for the moment, as I desire to say a word in response to the request of the Senator from Oregon. I trust the Senator from Oregon will not insist upon his motion.

Mr. FULTON. I must insist upon the motion, for I think it would be a very great mistake to withdraw this matter from the Department of Commerce and Labor unless there shall be an investigation by a committee which assures the Senate that it is necessary that it shall be done.

Mr. HANSBROUGH. If the Department of Commerce and Labor—

Mr. FULTON. I am not particular about the committee. If it is thought that the Committee on Commerce is the proper committee, I shall have no objection, but I think the Committee on Agriculture and Forestry is the proper committee.

Mr. HANSBROUGH. If no other Department had made an investigation of this question, I certainly would not be here with this resolution. But I know that another Department has made an investigation of it and is ready to proceed under that investigation. All these motions to amend and to refer simply delay the whole thing, and for that reason I hope the Senator from Oregon will not insist upon his motion.

Mr. PILES. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. HANSBROUGH. Certainly.

Mr. PILES. I desire to ask the Senator a question. As I understand the proposition, it is this: I understand the Senator from North Dakota to say that the Department of Justice is ready and willing to proceed with this case; that the only thing which prevents the Department of Justice from instituting suit is the comity or courtesy which exists between the two Departments. Is that correct?

Mr. HANSBROUGH. That is right.

Mr. PILES. If that be correct, it seems to me we are wasting our time here in discussing this question. Certainly, if the Department of Justice is willing and ready to commence this suit and has sufficient facts upon which to institute a suit in equity to declare this concern a trust and a violator of the law, and if the Department of Justice shall say, standing upon its dignity and what in courtesy is due it, which it has a right to do, to the Department of Commerce and Labor, "Will you consider it discourteous if this Department shall institute a suit in equity, notwithstanding your investigations?" and if the Department of Commerce and Labor is willing to give up this investigation and permit the Department of Justice to proceed, they will say: "This Department will not consider that you have violated the courtesy due from one Department to another by proceeding with your suit." All the Senator from North Dakota has to do is to ask the Department of Commerce and Labor to state to the Department of Justice that it will not consider it a discourtesy upon the part of that Department if it proceeds with its suit.

For my part, I agree with the Senator from Georgia. The Senate has ordered an inquiry here. It has directed a Department of this Government to investigate the conduct of what is said to be a great trust. Now, if we recall that direction for an investigation, it can be well said that the Senate desires to cover up its tracks or to recall the investigation it has asked one of the Departments of this Government to make. For myself, I am not willing to have it said that this body has recalled any such instruction, unless the Department of Com-

merce and Labor shall say to this body officially that it has made an investigation of this subject, that the Department of Justice has made an investigation of this subject, and that it is now ready and willing to have the Department of Justice proceed.

Therefore, so far as I am concerned, I am in favor of the substitute resolution submitted by the Senator from Illinois [Mr. HOPKINS]. I am not in favor of going along with the proposition of withdrawing our instructions; and I say—and I think it must be obvious to everyone—a mere few words of talk or an interchange of letters between the Departments would permit this case to proceed and the Department of Commerce and Labor to make its investigation and then make its report to the body which directed it to investigate the subject.

Mr. HANSBROUGH. Mr. President, the Senate did not consult the wishes of the Department of Commerce and Labor before passing the original resolution, and, it having come to the knowledge of the Senate that another Department has made a complete investigation, I do not think we ought to delay by consulting the Department of Commerce and Labor as to its wishes in regard to the passage of this resolution.

Mr. BEVERIDGE. Mr. President, when I first raised the question which has led to this now somewhat protracted debate I did not know the personal facts stated by the Senator from North Dakota. I was totally ignorant that this corporation was interfering with the politics of that State. In any such fight I would stand with the Senator or any other honest man against the interference, by any corrupt power, with the politics of any American Commonwealth. I consider that that is a far larger question than the one to which the Senator by his resolution has compelled us as Senators to give our attention; because if it be true that this trust or any other financial power has invaded the politics of a State, it has committed a greater crime against our institutions than it has an offense against our laws.

So my sympathy as well as my reason is thoroughly and heartily in accord with these views. If the Senator is opposed corruptly by this or any other great corporation; if it is flooding his State with money to defeat him, I hope the Senator will win such a fight and that the people will rebuke and chastise such a criminal assault on their purity. There are too many interferences in politics by corporations which, for their own purposes, wish to control public office; too many instances where States are flooded with money by men and corporations outside a State and inside a State for the purpose of corrupting primaries, conventions, and elections. And wherever this infamy is attempted it should be defeated and those who practice it punished. I did not know the facts stated when I first raised the question, but yet if I had known them, and as heartily as I do sympathize with that fight and every other similar fight, I should still have raised this question, because it has not yet been made clear to me why it is that the Department of Justice of all Departments, charged under the law with and created for the purpose of administering justice, openly avowing it has the facts at hand upon which to proceed, should hesitate because of some vague courtesy which has no justification in law and no foundation in practice. We are confronted with an extraordinary situation upon that part of the debate, Mr. President. We are told that a Department of the Government, charged with the execution of the laws, having in its possession the facts upon which it says it might successfully proceed, and it being its duty to proceed under the laws, nevertheless puts some sort of a courtesy above its duty.

I do not even agree with my friend, the Senator from Washington [Mr. PILES], that the Department of Justice has a right to stand on its dignity and say, "We will wait until another Department of the Government completes an investigation, which can not hinder and may actually help our discharge of our duties under the law." So the question the Senator from North Dakota has raised by his resolution, much as I sympathize with the situation he has presented, and of which I knew nothing when I first raised this question, submits a consideration which the Senate can not possibly overlook. We might all be very anxious to further the Senator's purpose. I have no doubt that most Senators here at least would be aroused to the point of resistance of any invasion of the politics of a State by a corporation like this, as much as the Senator or as much as I; but the Senator has compelled us to come up against the proposition of stopping an investigation which the Senator himself has admitted can not possibly hurt this prosecution and which very possibly may help. The Senate is compelled to say whether or not a Department of this Government shall obey the law or obey some mysterious courtesy. I can not possibly be for the Senator's resolution and must vote for the motion of the Senator from Oregon, which I think is unquestionably the proper motion to be made under the circumstances.

Mr. FULTON. Just a word, Mr. President, in response to the suggestion of the Senator from North Dakota [Mr. HANSBROUGH] that the motion I made to refer the resolution to a committee would operate to delay the institution of the contemplated suit. In the first place, I think the Senator is mistaken in his contention that the Department of Justice can not proceed unless we either rescind this resolution that was passed some months ago authorizing the investigation, or the Department of Commerce and Labor in some way indicates to the Department of Justice that it will not be offended should the suit be brought.

Mr. President, the Senator has not told us in direct terms that the Department of Justice takes any such position, nor has he told us in direct terms that the Department of Commerce and Labor objects to the Department of Justice proceeding. Indeed, he states that the Department of Commerce and Labor will be very glad to have the Department of Justice take action in this matter.

Mr. HANSBROUGH. That is my own opinion.

Mr. FULTON. That is his opinion. That being true, is it possible that there is such a vast difference between the various Departments of this Administration that they can not come together and reach an adjustment and understanding? Must we accredit ambassadors to each one of these Departments to negotiate understandings between one another? It is a most extraordinary proposition, Mr. President, that two Departments of this Government, each equally anxious that a certain line of policy shall be pursued, can not get together, having the power to pursue it, unless we shall by some manner of negotiation pave the way for them to come to an amicable understanding.

Mr. President, that is not the condition. I do not question the Senator's sincerity and earnestness in this matter. I know he is very earnest about it. But look what he asks us to do. He asks us, without any official information from the Department of Commerce and Labor touching the extent to which it has gone, touching the state now of its investigations, to relieve it of investigations which we directed it to make some time ago by resolution of this body, and cause it, right perhaps in the very midst of its investigation, to cease. The Senator can not tell us—no one here can tell us—what the effect of that would be. For one I am not willing to consent to that. I insist, so far as my voice and vote shall go, that the resolution shall go to a committee, and that the committee investigate and report to us. If it is proper under the circumstances and conditions to rescind the former resolution, we will rescind it. I am not to be hurried into that by any suggestion that the Department of Justice is hanging here, waiting with bated breath until we shall take this step, because I know, as every Senator must know, that the Department of Justice is directed by law to prosecute these suits when it has information that the law has been violated, and it will not be deterred from taking such a course because some other Department may possibly be investigating along similar lines.

Mr. BRYAN. As I understand, the question before the Senate is on the substitute of the Senator from Illinois [Mr. HOPKINS].

The VICE-PRESIDENT. The question before the Senate is the motion of the Senator from Oregon [Mr. FULTON] to commit the resolution to the Committee on Agriculture and Forestry.

Mr. BRYAN. Before that motion was made I understood the Senator from Illinois to offer a resolution that the Department of Commerce and Labor be directed to report the result of its investigation of this matter.

The VICE-PRESIDENT. The Senator from Illinois offered a substitute.

Mr. BRYAN. Yes. Then, the question is on the substitute?

The VICE-PRESIDENT. The question is not on the substitute, as the motion to commit takes precedence.

Mr. BRYAN. Very well.

Mr. President, I hope the motion to commit will not prevail, because it seems to me that now is the time to kill this proposition, if we are going to kill it. If it were in order at this time I should offer for the pending resolution a substitute, providing that "the office of the Attorney-General of the United States be requested to report to the Senate whether the Attorney-General's office is delaying the prosecution of the International Harvester Company because of the investigation of said company by the Department of Commerce and Labor." Then we should have it officially reported to the Senate whether the Department of Justice is acting in pursuance of the antitrust law or not.

Mr. BEVERIDGE. I hope the Senator from Florida does not mean to question the statement of the Senator from North Dakota?

Mr. BRYAN. No. But I think an official report from the

Attorney-General's office is better for the guidance of the Senate than somebody's word to the Senator who offered the resolution. A further reason why, in my judgment, the motion to commit should not be adopted is because the substitute offered by the Senator from Illinois, that the Department of Commerce and Labor be directed to report the result of its investigation, is important, inasmuch as on the 17th of December, 1906, a resolution was passed in the Senate directing the Department of Commerce and Labor to make an early investigation. If such a resolution were passed, we could see exactly just where the Department of Commerce and Labor stands.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Oregon [Mr. FULTON] to commit the resolution to the Committee on Agriculture and Forestry.

The motion was agreed to.

UNITED STATES COURTS AT LANDER, WYO.

Mr. CLARK of Wyoming. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 4064) to provide for a term of the United States circuit and district courts at Lander, Wyo., to report it favorably without amendment, and as it is a short bill I ask unanimous consent for its present consideration.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CACHE RIVER BRIDGE, ARKANSAS.

Mr. CLARKE of Arkansas. I ask unanimous consent that the Senate proceed to consider at the present time the bill (H. R. 12412) to authorize the Missouri and North Arkansas Railroad Company to construct a bridge across Cache River, in Woodruff County, Ark. It will require but a few seconds to dispose of it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT SIOUX FALLS, S. DAK.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (S. 110) for the erection of an addition or extension to the post-office and court-house at Sioux Falls, S. Dak.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, such additional land as he may deem necessary, and to cause to be erected an addition or extension to the post-office and the court-house at Sioux Falls, S. Dak., for the use and accommodation of the Government offices, the cost of such additional land and extension or addition not to exceed \$175,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SALISBURY, N. C.

Mr. OVERMAN. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3835) increasing the limit of cost for a public building at Salisbury, N. C., to report it favorably with an amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. KEAN. Let us have the regular order, Mr. President.

The VICE-PRESIDENT. The Senator from New Jersey demands the regular order. The bill will go to the Calendar.

BRIDGE ACROSS CHOCTAWHATCHEE RIVER, ALABAMA.

Mr. BANKHEAD. I ask unanimous consent for the present consideration of the bill (H. R. 9210) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River, at or near the Jones Old Ferry, in Geneva County, Ala.

Mr. KEAN. Let us have the regular order, Mr. President.

The VICE-PRESIDENT. The Senator from New Jersey demands the regular order. Concurrent or other resolutions are in order.

MISSISSIPPI RIVER BRIDGE.

Mr. CLAPP. Before the morning business is closed, I desire to have indefinitely postponed the bill (S. 2725) to extend the time for completion of the building of dam across the Mississippi River, near the village of Bermidji, Beltrami County,

Minn., it being a bill that came over from the House this morning in response to the request of the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the bill (S. 2725) to extend the time for completion of the building of dam across the Mississippi River, near the village of Bermidji, Beltrami County, Minn., returned from the House of Representatives in compliance with the request of the Senate.

Mr. CLAPP. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. Without objection, the bill will be postponed indefinitely.

HITCHMAN COAL AND COKE COMPANY V. JOHN MITCHELL.

Mr. CULBERSON. I desire to call up Senate resolution No. 74.

The VICE-PRESIDENT. The Chair lays the resolution before the Senate.

Mr. CULBERSON. I wish to say that there was some misunderstanding about the form of the resolution among some Senators yesterday and I have modified it so as to express what was intended, and also changing it in another particular. I ask leave to submit the modified resolution instead of the original; and that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. The Senator from Texas proposes a modification of his resolution, which will be read by the Secretary.

The SECRETARY. In line 9, after the words "nineteen hundred and seven," strike out "and report to the Senate whether in said matter the Hon. Alston G. Dayton, judge of said court, has exceeded his jurisdiction or power in granting said restraining order," and in line 12, after the word "and," insert "said committee is directed."

Mr. CULBERSON. Now I ask that the restraining order—

Mr. BEVERIDGE. Let the resolution be read as it will read.

The VICE-PRESIDENT. The Secretary will read the modified resolution.

The Secretary read the resolution as modified, as follows:

Resolved, That the Committee on the Judiciary of the Senate, or any subcommittee thereof, be and is hereby, directed to speedily investigate and inquire into all of the circumstances connected with the issuance of a restraining order in the case of Hitchman Coal and Coke Company, plaintiff, against John Mitchell and others, defendants, in the United States circuit court for the northern district of West Virginia, on October 24, 1907, and said committee is directed to report to the Senate whether any additional legislation is necessary for the protection of the rights and privileges of workmen; and if so, to report such legislation without delay. And for the purpose of carrying out the provisions of this resolution, said committee or subcommittee is hereby authorized to sit at such times and places as may suit its convenience, to administer oaths and affirmations, take testimony, send for persons and papers, employ stenographers to report its hearings, and to have them printed, such hearings to be submitted by said committee to the Senate, and all necessary expenses to carry out the provisions of this resolution shall be paid from the contingent fund of the Senate.

Mr. LODGE. I will ask the Senator from Texas if the first statement about the subcommittee ought not to be taken out?

Mr. CULBERSON. I think not.

Mr. LODGE. We authorize the committee to make the inquiry.

Mr. CULBERSON. If the Senator will pardon me, I took the criticism of the resolution yesterday to be to the effect of that the Senator now makes. I have had occasion to examine it with the force of the Secretary of the Senate, and I find it has been customary, at least since the 13th of May, 1890, for the Senate, by resolution, to instruct committees or subcommittees to investigate.

The Senator from Indiana [Mr. BEVERIDGE], as reported in the RECORD this morning—I did not hear him distinctly yesterday—thought that the resolution directed a subcommittee to report to the Senate. That was not the intention of the resolution, and I have modified it in that respect so as to make it clear that the report to the Senate must be made by the committee.

Mr. LODGE. I am sure that where you authorize them to take testimony it is common to authorize them to take it either by full committee or by subcommittee. I know that was the phrase in the Brownsville resolution. But I was not aware that it was common to direct a subcommittee to investigate and inquire.

Mr. CULBERSON. I read from one resolution here, that of May 13, 1890, as follows:

That the Committee on Indian Affairs be instructed, either by full committee or subcommittee or committees as may be appointed by the chairman thereof, with the full power of such committee, to continue during the recess of Congress the investigation authorized by the resolution of March 1, 1887.

I have ten or a dozen resolutions couched in similar language, showing that the Senate has directed the committee or a subcommittee to make investigation, and that the full committee shall report.

Mr. LODGE. I do not know that there is very much in the distinction that I intend to draw, but I think it is customary and proper that a committee charged with an investigation should have the power from the Senate to carry on that investigation through a subcommittee. I think that is a very necessary provision.

Mr. CULBERSON. I think that is all this resolution does, and I will ask—

Mr. LODGE. I think the resolution is entirely appropriate on the second page, but on the first page it seemed to me that at best it was surplusage.

Mr. CULBERSON. I will ask that the resolutions to which I have invited attention, running from 1890 down to 1906, be printed in the RECORD in conjunction with what I am saying, so that we may have what, at least, has been the practice of the Senate during that time. I think it would be very well to have them printed.

Mr. LODGE. I do not of course question the precedents the Senator has brought forward, but it seems to me—

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Texas? The Chair hears none.

The resolutions referred to are as follows:

Mr. Jones of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. Dawes on the 3d instant, authorizing the Committee on Indian Affairs to continue the investigations authorized by the resolution of March 1, 1887, reported it with an amendment.

The Senate proceeded, by unanimous consent, to consider the said resolution; and the reported amendment having been agreed to, the resolution as amended was agreed to, as follows:

"Resolved, 1. That the Committee on Indian Affairs be instructed either by full committee or subcommittee or committees, as may be appointed by the chairman thereof, with the full power of such committee to continue during the recess of Congress the investigations authorized by the resolution of March 1, 1887, with the authority and in the manner and to the extent provided in said resolution, and in the pursuance of such investigation to visit the several Indian reservations and the Five Nations in the Indian Territory, or any reservation where, in the opinion of said committee, it may be necessary to extend their investigations.

"2. That said committee, or subcommittee, shall have power to send for persons and papers and to examine witnesses under oath touching the matters which they are hereby empowered to investigate, and may hold their sessions during the recess of the Senate at such place as they may determine.

"And the necessary and proper expenses incurred in the execution of this order shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of said committee."

[Senate Journal, May 13, 1890, p. 299.]

The Senate proceeded to consider the resolution submitted by Mr. Manderson December 19, 1890, instructing the Committee on Indian Affairs to inquire into the condition of the Indian tribes, and

The resolution was agreed to, as follows:

"Resolved, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby instructed to inquire into the condition of the Indian tribes in the States of North Dakota, South Dakota, Montana, and elsewhere; the cause leading to the occupation of Indian reservations by United States troops; whether the treaties with said Indians have been fulfilled; to investigate fully the facts concerning the arms and munitions of war in the possession of said Indians, and what steps, legislative and executive, are needed to disarm them and prevent supply of such armament hereafter; also to inquire whether the care and control of Indians living in the tribal relation should be transferred to any other Department of the Government, and to report to the Senate, by bill or otherwise. Said committee shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer and interpreter, and sit during the session or the recess of the Senate at such times and places as the committee may determine; and the actual and necessary expenses of said investigation to be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee."

[Journal of the Senate, February 27, 1891, p. 182.]

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. Pettigrew June 23, 1897, instructing the Committee on Indian Affairs to continue the investigations authorized by the resolutions of May 13, 1890, and February 27, 1891, reported it with an amendment.

The Senate proceeded, by unanimous consent, to consider the said resolution; and the reported amendment having been agreed to, the resolution as amended was agreed to, as follows:

"Resolved, That the Committee on Indian Affairs be instructed, as now constituted, either by full committee or such subcommittee or committees as may be appointed by the chairman thereof, with the full power of such committee to continue during the coming recess of Congress, the investigations authorized by the resolutions of May 13, 1890, and February 27, 1891, with the authority and in the manner and to the extent provided in said resolutions, and in the pursuance of such investigations to visit, if it be deemed advisable, the several Indian reservations, Indian schools supported in whole or in part by the Government, and the Five Nations in the Indian Territory, or any reservation where, in the opinion of said committee, it may be necessary to extend their investigations.

"Second. That said committee or subcommittee shall have power to send for persons and papers, to administer oaths, and to examine witnesses under oath touching the matters which they are hereby empowered

to investigate, and may hold their sessions during the recess of the Senate at such place or places as they may determine; and the necessary and proper expense incurred in the execution of this order shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of said committee."

[Senate Journal, July 13, 1897, p. 153.]

INVESTIGATION BY COMMITTEE ON FINANCE.

Mr. MORRILL, from the Committee on Finance, reported the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

"Resolved, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make an investigation of internal-revenue and customs matters, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recess or sessions of the Senate, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ a stenographer and such clerical and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate."

[Senate Journal, June 29, 1898, p. 383. The above resolution was agreed to July 7, 1898, p. 400.]

Mr. ALLISON, from the Committee on Finance, reported the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

"Resolved, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make an investigation of internal-revenue, customs, currency, and coinage matters, and to report from time to time to the Senate, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate."

[Senate Journal, February 28, 1899, p. 165. The above resolution was agreed to March 2, 1899, p. 180.]

Mr. THURSTON, from the Committee on Indian Affairs, reported the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

"Resolved, That the Committee on Indian Affairs be authorized, either by full committee or such subcommittees as may be appointed by the chairman thereof, during the coming recess of Congress to visit and investigate the several Indian reservations, Indian schools supported in whole or in part by the Government, or any reservations where, in the opinion of said committee, it may be necessary to extend their investigations.

"Second. That said committee or subcommittee shall have the power to send for persons and papers, to administer oaths, and to examine witnesses under oath touching the matters which they are hereby empowered to investigate, and may hold their sessions during the recess of the Senate at such place or places as they may determine, to employ stenographers and such clerical assistance as may be deemed advisable; and the necessary and proper expense incurred in the execution of this order shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of said committee."

[Senate Journal, May 18, 1900, p. 372. The above resolution was agreed to May 24, 1900, p. 391.]

Mr. ALDRICH, from the Committee on Finance, reported the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

"Resolved, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make an investigation of internal-revenue, customs, currency, and coinage matters, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recess or sessions of the Senate, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate."

[Senate Journal, February 26, 1901, p. 220. The above resolution was agreed to February 28, 1901, p. 233.]

Mr. KEAN, from the Committee on Interstate Commerce, reported the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

"Resolved, That the Committee on Interstate Commerce, or any subcommittee thereof, is instructed to sit during the recess of the Senate, at such times and places as may suit the convenience of said committee or subcommittee, to consider the question of additional legislation to regulate interstate commerce and to authorize the Interstate Commerce Commission to fix rates of freights and fares, and to acquire further information as to interstate commerce, including violations or evasions of the antitrust law and the devices and methods by which evasions are accomplished, and including refrigerator and other private-car systems, industrial railway tracks, switching charges, and the like. Said committee or subcommittee is authorized to employ experts, administer oaths, take testimony, send for persons and papers, employ a stenographer to report its hearings and to have them printed, which hearings shall be sent, as soon as printed, to each member of the Senate. Said committee shall make a full report of its proceedings hereunder by bill or otherwise within ten days after the meeting of the next Congress. And all necessary expenses to carry out the provisions of this resolution shall be paid from the contingent fund of the Senate."

[Senate Journal, February 28, 1905, p. 285. The above resolution was amended and agreed to March 2, 1905, p. 307.]

Mr. KITTREDGE submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

"Resolved, That the Committee on Patents, or any subcommittee thereof, be, and are hereby, authorized and directed to investigate, in conjunction with the Committee on Patents of the House of Representatives, all matters pertaining to the copyright laws, to send for persons and papers, and to administer oaths, and to employ a stenog-

rapher to report such hearings; and that the committee be authorized to sit during the sessions or recess of the Senate, and to have such hearings printed, and that all expenses of the investigation be paid out of the contingent fund of the Senate."

[Senate Journal, June 2, 1906, page 551. The above resolution was agreed to June 5, 1906, page 565.]

Mr. LODGE. It seems to me that it is better form at all events, even if it has been usual before, to have it the other way—that the resolution should read: "That the Committee on the Judiciary of the Senate be, and is hereby, directed to investigate and inquire," and then further on, "is directed to report." Now—

Mr. CULBERSON. The only object—

Mr. LODGE. The second clause—

Mr. CULBERSON. I should like to get through with this matter before 2 o'clock.

Mr. LODGE. I am only saying that in the second clause you may provide that the committee may carry on this work through a subcommittee. That is, I think, entirely proper.

Mr. CULBERSON. I am only asking that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. We are not adopting it. I am asking its reference now, and I should like to get through with it before 2 o'clock.

Mr. BEVERIDGE. Mr. President—

Mr. BACON. I wish to say just a word, and I will not occupy the time so as to prevent action. As I was the Senator who first called attention to the words, I desire to say that the sole thought in my mind was that the language of the resolution as it was then framed would authorize a subcommittee to report, which I did not think was a proper proceeding. But the words which the Senator now proposes to put in, that the committee shall report, entirely removes the criticism which I proposed to make upon the language of the resolution.

Mr. CULBERSON. It was never intended by the resolution, of course, that a subcommittee should make a report to the Senate. Such a proposition as that would have been absurd.

Mr. SCOTT. Mr. President—

Mr. CULBERSON. Now, I ask—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from West Virginia?

Mr. CULBERSON. In one minute. I ask unanimous consent that the papers I send to the desk—

The VICE-PRESIDENT. The Senator's resolution has not been referred. Without objection, the resolution will be referred.

Mr. LODGE. No; Mr. President, I think there is considerable objection to that reference.

Mr. CULBERSON. I ask that a copy of the restraining order and the bill of complaint in the case referred to in the resolution be printed as a Senate document, and I have no objection that the statement which I understand the Senator from West Virginia [Mr. Scott] has shall be printed with these papers as a Senate document.

Mr. SCOTT. For the present I object, because there is no time, as I understand it, before 2 o'clock, and I have a statement that I want to make and a paper to be filed. The Senator can not expect me to do it in a minute and a half.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Texas.

Mr. CULBERSON. What became of the resolution? I ask that it be referred.

The VICE-PRESIDENT. The Senator from Texas asks that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SCOTT. I object. If that question is to come to a vote, before it does come to a vote I want to have this statement read and made a part of the papers which the Senator from Texas asked to have printed.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2082.

REVISION OF THE PENAL LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill on page 73, as follows:

CHAPTER SEVEN.

OFFENSES AGAINST THE CURRENCY, COINAGE, ETC.

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| <p>Sec.
148. "Obligation or other security of the United States" defined.
149. Forging or counterfeiting United States securities.
150. Counterfeiting national-bank notes.
151. Using plates to print notes without authority, etc.
152. Passing, selling, concealing, etc., forged obligations.
153. Taking impressions of tools, implements, etc.
154. Having in possession unlawfully such impressions.
155. Buying, selling, or dealing in forged bonds, notes, etc.
156. Secreting or removing tools or material used for printing bonds, notes, stamps, etc.
157. Counterfeiting notes, bonds, etc., of foreign governments.
158. Passing such forged notes, bonds, etc.
159. Counterfeiting notes of foreign banks.
160. Passing such counterfeit bank notes.
161. Having in possession such forged notes, bonds, etc.
162. Having unlawfully in possession or using plates for such notes, bonds, etc.
163. Connecting parts of different instruments.
164. Counterfeiting gold or silver coins or bars.</p> | <p>Sec.
165. Counterfeiting minor coins.
166. Falsifying, mutilating, or lightening coinage.
167. Debasing of coinage by officers of the Mint.
168. Making or uttering coins in resemblance of money.
169. Making or issuing devices of minor coins.
170. Counterfeiting, etc., dies for coins of United States.
171. Counterfeiting, etc., dies for foreign coins.
172. Making, importing, or having in possession tokens, prints, etc., similar to United States or foreign coins.
173. Counterfeit obligations, securities, coins, or material for counterfeiting, to be forfeited.
174. Issue of search warrant for suspected counterfeiters, etc.; forfeiture.
175. Circulating bills of expired corporations.
176. Imitating national-bank notes with printed advertisements thereon.
177. Mutilating or defacing national-bank notes.
178. Imitating United States securities or printing business cards on them.
179. Notes of less than one dollar not to be issued.</p> |
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Sec. 148. The words "obligation or other security of the United States" shall be held to mean all bonds, certificates of indebtedness, national-bank currency, coupons, United States notes, Treasury notes, gold certificates, silver certificates, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, which have been or may be issued under any act of Congress.

Sec. 149. Whoever, with intent to defraud, shall falsely make, forge, counterfeit, or alter any obligation or other security of the United States shall be fined not more than \$5,000 and imprisoned not more than fifteen years.

Sec. 150. Whoever shall falsely make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or shall willingly aid or assist in falsely making, forging, or counterfeiting, any note in imitation of, or purporting to be in imitation of, the circulating notes issued by any banking association now or hereafter authorized and acting under the laws of the United States; or whoever shall pass, utter, or publish, or attempt to pass, utter, or publish, any false, forged, or counterfeited note, purporting to be issued by any such association doing a banking business, knowing the same to be falsely made, forged, or counterfeited; or whoever shall falsely alter, or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering, any such circulating notes, or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any falsely altered or spurious circulating note issued, or purporting to have been issued, by any such banking association, knowing the same to be falsely altered or spurious, shall be fined not more than \$1,000 and imprisoned not more than fifteen years.

Sec. 151. Whoever, having control, custody, or possession of any plate, stone, or other thing, or any part thereof, from which has been printed, or which may be prepared by direction of the Secretary of the Treasury for the purpose of printing, any obligation or other security of the United States, shall use such plate, stone, or other thing, or any part thereof, or knowingly suffer the same to be used for the purpose of printing any such or similar obligation or other security, or any part thereof, except as may be printed for the use of the United States by order of the proper officer thereof; or whoever by any way, art, or means shall make or execute, or cause or procure to be made or executed, or shall assist in making or executing any plate, stone, or other thing in the likeness of any plate designated for the printing of such obligation or other security; or whoever shall sell any such plate, stone, or other thing, or bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, any such plate, stone, or other thing, except under the direction of the Secretary of the Treasury or other proper officer, or with any other intent, in either case, than that such plate, stone, or other thing be used for the printing of the obligations or other securities of the United States; or whoever shall have in his control, custody, or possession any plate, stone, or other thing in any manner made after or in the similitude of any plate, stone, or other thing, from which any such obligation or other security has been printed, with intent to use such plate, stone, or other thing, or to suffer the same to be used in forging or counterfeiting any such obligation or other security, or any part thereof; or whoever shall have in his possession or custody, except under authority from the Secretary of the Treasury or other proper officer, any obligation or other security made or executed, in whole or in part, after the similitude of any obligation or other security issued under the authority of the United States, with intent to sell or otherwise use the same; or whoever shall print, photograph, or in any other manner make or execute, or cause to be printed, photographed, made, or executed, or shall aid in printing, photographing, making, or executing any engraving, photograph, print, or impression in the likeness of any such obligation or other security, or any part thereof, or shall sell any such engraving, photograph, print, or impression, except to the United States, or shall bring into the United States or any place subject to the jurisdiction thereof, from any foreign place any such engraving, photograph, print, or impression, except by direction of some proper officer of the United States; or whoever shall have or retain in his control or pos-

session, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury or some other proper officer of the United States, shall be *fin*ed not more than \$5,000 or *imprisoned* not more than fifteen years, or both.

SEC. 152. Whoever, with intent to defraud, shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or shall bring into the United States, or any place subject to the jurisdiction thereof, with intent to pass, publish, utter, or sell, or shall keep in possession or conceal with like intent any falsely made, forged, counterfeited, or altered obligation or other security of the United States, shall be *fin*ed not more than \$5,000 and *imprisoned* not more than fifteen years.

SEC. 153. Whoever, without authority from the United States, shall take, procure, or make, upon lead, foil, wax, plaster, paper, or any other substance or material, an impression, stamp, or imprint of, from, or by the use of any bedplate, bedpiece, die, roll, plate, seal, type, or other tool, implement, instrument, or thing used or fitted or intended to be used in printing, stamping, or impressing, or in making other tools, implements, instruments, or things to be used or fitted or intended to be used in printing, stamping, or impressing any kind or description of obligation or other security of the United States now authorized or hereafter to be authorized by the United States, or circulating note or evidence of debt of any banking association under the laws thereof, shall be *fin*ed not more than \$5,000 or *imprisoned* not more than ten years, or both.

SEC. 154. Whoever, with intent to defraud, shall have in his possession, keeping, custody, or control, without authority from the United States, any imprint, stamp, or impression, taken or made upon any substance or material whatsoever, of any tool, implement, instrument, or thing, used, or fitted or intended to be used, for any of the purposes mentioned in the preceding section; or whoever, with intent to defraud, shall sell, give, or deliver any such imprint, stamp, or impression to any other person, shall be *fin*ed not more than \$5,000 or *imprisoned* not more than ten years, or both.

SEC. 155. Whoever shall buy, sell, exchange, transfer, receive, or deliver any false, forged, counterfeited, or altered obligation or other security of the United States, or circulating note of any banking association organized or acting under the laws thereof, which has been or may hereafter be issued by virtue of any act of Congress, with the intent that the same be passed, published, or used as true and genuine, shall be *fin*ed not more than \$5,000, or *imprisoned* not more than ten years, or both.

SEC. 156. Whoever, without authority from the United States, shall secrete within, embezzle, or take and carry away from any building, room, office, apartment, vault, safe, or other place where the same is kept, used, employed, placed, lodged, or deposited by authority of the United States, any bedpiece, bedplate, roll, plate, die, seal, type, or other tool, implement, or thing used or fitted to be used in stamping or printing, or in making some other tool or implement used or fitted to be used in stamping or printing, any kind or description of bond, bill, note, certificate, coupon, postage stamp, revenue stamp, fractional currency note, or other paper, instrument, obligation, device, or document, now or hereafter authorized by law to be printed, stamped, sealed, prepared, issued, uttered, or put in circulation on behalf of the United States; or whoever, without such authority, shall so secrete, embezzle, or take and carry away any paper, parchment, or other material printed or stamped, in whole or part, and intended to be prepared, issued, or put in circulation on behalf of the United States as one of the papers, instruments, or obligations hereinbefore named, or printed or stamped, in whole or part, in the similitude of any such paper, instrument, or obligation, whether intended to issue or put the same in circulation or not, shall be *fin*ed not more than \$5,000, or *imprisoned* not more than ten years, or both.

SEC. 157. Whoever, within the United States, or any place subject to the jurisdiction thereof, with intent to defraud, shall falsely make, alter, forge, or counterfeit any bond, certificate, obligation, or other security in imitation of, or purporting to be an imitation of, any bond, certificate, obligation, or other security of any foreign government, issued or put forth under the authority of such foreign government, or any treasury note, bill, or promise to pay issued by such foreign government, and intended to circulate as money, either by law, order, or decree of such foreign government; or whoever shall cause or procure to be so falsely made, altered, forged, or counterfeited, or shall knowingly aid or assist in making, altering, forging, or counterfeiting, any such bond, certificate, obligation, or other security, or any such treasury note, bill, or promise to pay, intended as aforesaid to circulate as money, shall be *fin*ed not more than \$5,000 and *imprisoned* not more than five years.

SEC. 158. [Whoever, within the United States, or any place subject to the jurisdiction thereof, knowingly and with intent to defraud, shall utter, pass, or put off, in payment or negotiation, any false, forged, or counterfeited bond, certificate, obligation, security, treasury note, bill, or promise to pay, mentioned in the section last preceding, whether the same was made, altered, forged, or counterfeited within the United States or not, shall be *fin*ed not more than \$3,000 and *imprisoned* not more than three years.]

SEC. 159. [Whoever, within the United States, or any place subject to the jurisdiction thereof, with intent to defraud, shall falsely make, alter, forge, or counterfeit, or cause or procure to be so falsely made, altered, forged, or counterfeited, or shall knowingly aid and assist in the false making, altering, forging, or counterfeiting of any bank note or bill issued by a bank or corporation of any foreign country, and intended by the law or usage of such foreign country to circulate as money, such bank or corporation being authorized by the laws of such country, shall be *fin*ed not more than \$2,000, and *imprisoned* not more than two years.]

SEC. 160. Whoever, within the United States, or any place subject to the jurisdiction thereof, shall utter, pass, put off, or tender in payment, with intent to defraud, any such false, forged, altered, or counterfeited bank note or bill, as mentioned in the preceding section, knowing the same to be so false, forged, altered, and counterfeited, whether the same was made, forged, altered, or counterfeited within the United States or not, shall be *fin*ed not more than \$1,000 and *imprisoned* not more than one year.

SEC. 161. [Whoever, within the United States, or any place subject to the jurisdiction thereof, shall have in his possession any false, forged, or counterfeit bond, certificate, obligation, security, treasury note, bill, promise to pay, bank note, or bill issued by a bank or corporation of any

foreign country, with intent to utter, pass, or put off the same, or to deliver the same to any other person with intent that the same may thereafter be uttered, passed, or put off as true, or shall knowingly deliver the same to any other person with such intent, shall be *fin*ed not more than \$1,000 and *imprisoned* not more than one year.]

SEC. 162. [Whoever, within the United States, or any place subject to the jurisdiction thereof, except by lawful authority, shall have control, custody, or possession of any plate, stone, or other thing, or any part thereof, from which has been printed or may be printed any counterfeit note, bond, obligation, or other security, in whole or in part, of any foreign government, bank, or corporation, or shall use such plate, stone, or other thing, or knowingly permit or suffer the same to be used in counterfeiting such foreign obligations, or any part thereof; or whoever shall make or engrave, or cause or procure to be made or engraved, or shall assist in making or engraving any plate, stone, or other thing, in the likeness or similitude of any plate, stone, or other thing designated for the printing of the genuine issues of the obligations of any foreign government, bank, or corporation; or whoever shall print, photograph, or in any other manner make, execute, or sell, or cause to be printed, photographed, made, executed, or sold, or shall aid in printing, photographing, making, executing, or selling, any engraving, photograph, print, or impression in the likeness of any genuine note, bond, obligation, or other security, or any part thereof, of any foreign government, bank, or corporation; or whoever shall bring into the United States, or any place subject to the jurisdiction thereof, any counterfeit plate, stone, or other thing, or engraving, photograph, print, or other impressions of the notes, bonds, obligations, or other securities of any foreign government, bank, or corporation, shall be *fin*ed not more than \$5,000, or *imprisoned* not more than five years, or both.]

Mr. HEYBURN. As the next section, section 163, is in italics, I ask that it be passed over without reading.

The VICE-PRESIDENT. The section will be passed over, as requested by the Senator from Idaho.

The Secretary resumed the reading of the bill, as follows:

SEC. 164. Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall willingly aid or assist in falsely making, forging, or counterfeiting any coin or bars in resemblance or similitude of the gold or silver coins or bars which have been, or hereafter may be, coined or stamped at the mints and assay offices of the United States, or in resemblance or similitude of any foreign gold or silver coin which by law is, or hereafter may be, current in the United States, or are in actual use and circulation as money within the United States; or whoever shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, knowing the same to be false, forged, or counterfeit, with intent to defraud any body politic or corporate, or any person or persons whomsoever, or shall have in his possession any such false, forged, or counterfeited coin or bars, knowing the same to be false, forged, or counterfeited, with intent to defraud any body politic or corporate, or any person or persons whomsoever, shall be *fin*ed not more than \$5,000, and *imprisoned* not more than ten years.

SEC. 165. Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall willingly aid or assist in falsely making, forging, or counterfeiting any coin in the resemblance or similitude of any of the minor coins which have been, or hereafter may be, coined at the mints of the United States; or whoever shall pass, utter, publish, or sell, or bring into the United States, or any place subject to the jurisdiction thereof, from any foreign place, or have in his possession any such false, forged, or counterfeited coin, with intent to defraud any person whomsoever, shall be *fin*ed not more than \$1,000 and *imprisoned* not more than three years.

SEC. 166. Whoever fraudulently, by any art, way, or means, shall deface, mutilate, impair, diminish, falsify, scale, or lighten, or cause or procure to be fraudulently defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, or willingly aid or assist in fraudulently defacing, mutilating, impairing, diminishing, falsifying, scaling, or lightening, the gold or silver coins which have been or which may hereafter be, coined at the mints of the United States, or any foreign gold or silver coins which are by law made current or are in actual use or circulation as money within the United States, or in any place subject to the jurisdiction thereof; or whoever shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into the United States, or any place subject to the jurisdiction thereof, from any foreign place, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whomsoever, or shall have in his possession any such defaced, mutilated, impaired, diminished, falsified, scaled, or lightened coin, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whomsoever, shall be *fin*ed not more than \$2,000 and *imprisoned* not more than five years.

SEC. 167. If any of the gold or silver coins struck or coined at any of the mints of the United States shall be debased, or made worse as to the proportion of fine gold or fine silver therein contained, or shall be of less weight or value than the same ought to be, pursuant to law, or if any of the scales or weights used at any of the mints or assay offices of the United States shall be defaced, altered, increased, or diminished through the fault or connivance of any officer or person employed at the said mints or assay offices, with a fraudulent intent; or if any such officer or person shall embezzle any of the metals at any time committed to his charge for the purpose of being coined, or any of the coins struck or coined at the said mints, or any medals, coins, or other moneys of said mints or assay offices at any time committed to his charge, or of which he may have assumed the charge, every such officer or person who commits any of the said offenses shall be *fin*ed not more than \$10,000 and *imprisoned* not more than ten years.

SEC. 168. Whoever, except as authorized by law, shall make or cause to be made, or shall utter or pass, or attempt to utter or pass, any coins of gold or silver or other metal, or alloys of metals, intended for the use and purpose of current money, whether in the resemblance of coins of the United States or of foreign countries, or of original design, shall be *fin*ed not more than \$3,000 or *imprisoned* not more than five years, or both.

SEC. 169. Whoever, not lawfully authorized, shall make, issue, or pass, or cause to be made, issued, or passed, any coin, card, token, or device in metal, or its compounds, which may be intended to be used as money for any 1-cent, 2-cent, 3-cent, or 5-cent piece, now or hereafter authorized by law, or for coins of equal value, shall be *fin*ed not more than \$1,000 and *imprisoned* not more than five years.

SEC. 170. [Whoever, without lawful authority, shall make, or cause or procure to be made, or shall willingly aid or assist in making, any

die, hub, or mold, or any part thereof, either of steel or plaster, or any other substance whatsoever, in likeness or similitude, as to the design or the inscription thereon, of any die, hub, or mold designated for the coining or making of any of the genuine gold, silver, nickel, bronze, copper, or other coins of the United States, that have been or hereafter may be coined at the mints of the United States; or whoever, without lawful authority, shall have in his possession any such die, hub, or mold, or any part thereof, or shall permit the same to be used for or in aid of the counterfeiting of any of the coins of the United States hereinbefore mentioned, shall be *fin*ed not more than \$5,000 and imprisoned not more than ten years.]

Mr. HEYBURN. Mr. President, the conditions under which section 170 and section 171 were reported were rather unusual, and I think there should be made manifest in the Record the reasons which actuated the committee in reporting those sections as they appear in the bill.

Sections 170, 171: In the cases of *United States v. Keller* and others, charged, among other things, with having in their possession dies for counterfeiting the coin of some of the South American Republics, the district court for the southern district of New York held that to constitute an offense under section 2 of the act of February 10, 1891, it was not only necessary to show the possession of the dies by the defendants, but also that they had them in possession "with intent to fraudulently or unlawfully use" them in making counterfeit coin. The court further points out the doubt which arises as to the construction of the section because of the arrangement of the language thereof.

I would say here that the court was referring to the existing law upon the subject, and it was this criticism by the court which actuated the committee in making such changes in existing law as are embodied in sections 170 and 171, as reported:

While the criticism of the court is directed against section 2 of that act, it also applies, in a less degree, to section 1, which relates to the making of dies, etc., for counterfeiting the coin of the United States.

To remove this doubt the committee has transposed the language of both sections, and has dropped from each section the words "with intent to fraudulently use the same," and by transposing and repeating the words "without lawful authority." The committee believes that a person who has in his possession dies which may be used in counterfeiting any coin should be required to show that his possession is lawful, and that the Government should not be required to prove that he has them in possession "with the intent to fraudulently and unlawfully use them for counterfeiting."

The purpose of the change made by the committee is obvious. It shifts the burden upon the party found in possession of those contraband articles; in other words, it is not the intention of the law that any man should have in his possession the means of counterfeiting the coin of this country or of a foreign country, because there can be no possible circumstances under which an individual would be in the possession of those implements with a lawful intent.

I think it proper at this time to make this explanation both as to section 170 and section 171, they both being inclosed in brackets, and to allow these remarks to apply to section 171 as well.

The Secretary resumed the reading of the bill, as follows:

SEC. 171. [Whoever, within the United States or any place subject to the jurisdiction thereof, without lawful authority, shall make, or cause or procure to be made, or shall willingly aid or assist in making, any die, hub, or mold, or any part thereof, either of steel or of plaster, or of any other substance whatsoever, in the likeness or similitude, as to the design or the inscription thereon, of any die, hub, or mold, designated for the coining of the genuine coin of any foreign government; or whoever, without lawful authority, shall have in his possession any such die, hub, or mold, or any part thereof, or shall conceal, or knowingly suffer the same to be used for the counterfeiting of any foreign coin, shall be *fin*ed not more than \$2,000 or imprisoned not more than five years, or both.]

SEC. 172. Whoever, within the United States or any place subject to the jurisdiction thereof, shall make, or cause or procure to be made, or shall bring therein, from any foreign country, or shall have in possession with intent to sell, give away, or in any other manner use the same, any business or professional card, notice, placard, token, device, print, or impression, or any other thing whatsoever, in the likeness or similitude as to design, color, or the inscription thereon, of any of the coins of the United States or of any foreign country that have been or hereafter may be issued as money, either under the authority of the United States or under the authority of any foreign government, shall be *fin*ed not more than \$100. But nothing in this section shall be construed to forbid or prevent the printing and publishing of illustrations of coins and medals, or the making of the necessary plates for the same, to be used in illustrating numismatic and historical books and journals and the circulars of legitimate publishers and dealers in the same.

SEC. 173. All counterfeitings of any obligation or other security of the United States or of any foreign government, or counterfeitings of any of the coins of the United States or of any foreign government, and all material or apparatus fitted or intended to be used, or that shall have been used, in the making of any such counterfeit obligation or other security or coins hereinbefore mentioned, that shall be found in the possession of any person without authority from the Secretary of the Treasury or other proper officer to have the same, shall be taken possession of by any authorized agent of the Treasury Department and forfeited to the United States, and disposed of in any manner the Secretary of the Treasury may direct. Whoever having the custody or control of any such counterfeitings, material, or apparatus shall fail or refuse to surrender possession thereof upon request by any such authorized agent of the Treasury Department shall be *fin*ed not more than \$100 or imprisoned not more than one year, or both.

Mr. HEYBURN. Mr. President, the committee has added to existing law the last paragraph found in section 173, because it has been found difficult sometimes to secure possession of counterfeit coins in the possession of banks and officers, detective

officers especially. So there was no adequate provision of law under which a demand could be made and enforced for the delivery of counterfeit coin that had come in the regular process of business into the hands of innocent parties. It was considered that the Government should have the means of obtaining possession for the purpose of destruction of such coins so as to take away the opportunity for their reissuance either by accident or intent, and so that they might not be again put in circulation.

The Secretary resumed the reading of the bill, as follows:

SEC. 174. [The several judges of courts established under the laws of the United States and United States commissioners may, upon proper oath or affirmation, within their respective jurisdictions, issue a search warrant authorizing any marshal of the United States, or any other person specially mentioned in such warrant, to enter any house, store, building, boat, or other place named in such warrant, in which there shall appear probable cause for believing that the manufacture of counterfeit money, or the concealment of counterfeit money, or the manufacture or concealment of counterfeit obligations or coins of the United States or of any foreign government, or the manufacture or concealment of dies, hubs, molds, plates, or other things fitted or intended to be used for the manufacture of counterfeit money, coins, or obligations of the United States or of any foreign government, or of any bank doing business under the authority of the United States or of any State or Territory thereof, or of any bank doing business under the authority of any foreign government, or of any political division of any foreign government, is being carried on or practiced, and there search for any such counterfeit money, coins, dies, hubs, molds, plates, and other things, and for any such obligations, and, if any such be found, to seize and secure the same and to make return thereof to the proper authority; and all such counterfeit money, coins, dies, hubs, molds, plates, and other things, and all such counterfeit obligations so seized shall be forfeited to the United States.]

Mr. HEYBURN. Mr. President, rather a material change has been made by this section in existing law by the committee. In line 21, after the word "warrant," in the existing law, the words "in the daytime only" are found. The committee in this report has stricken those words from the statute, so that the warrant may authorize the search to be made either during the daytime or during the night; in other words, at any time. The present restriction upon the officers has been found in many instances in practical experience to afford an opportunity for parties having these contraband articles in their possession to escape with them because the search could not be made except in the daytime. The committee saw no good reason why a party who was in the very act of violating the law should not be apprehended and the contraband articles in his possession taken at any time by due process of law.

The Secretary resumed the reading of the bill, as follows:

SEC. 175. In all cases where the charter of any corporation which has been or may be created by act of Congress has expired or may hereafter expire, if any director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose of paying or redeeming its notes and obligations, shall knowingly issue, reissue, or utter as money, or in any other way knowingly put in circulation any bill, note, check, draft, or other security purporting to have been made by any such corporation whose charter has expired, or by any officer thereof, or purporting to have been made under authority derived therefrom, or if any person shall knowingly aid in any such act, he shall be *fin*ed not more than \$10,000, or imprisoned not more than five years, or both. But nothing herein shall be construed to make it unlawful for any person, not being such director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose hereinbefore set forth, who has received or may hereafter receive such bill, note, check, draft, or other security, bona fide and in the ordinary transactions of business, to utter as money or otherwise circulate the same.

SEC. 176. [It shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use any business or professional card, notice, placard, circular, handbill, or advertisement in the likeness or similitude of any circulating note or other obligation or security of any banking association organized or acting under the laws of the United States which has been or may be issued under any act of Congress, or to write, print, or otherwise impress upon any such note, obligation, or security, any business or professional card, notice or advertisement, or any notice or advertisement of any matter or thing whatever. Whoever shall violate any provision of this section shall be *fin*ed not more than \$100, or imprisoned not more than six months, or both.]

Mr. HEYBURN. Mr. President, I would again call attention to the fact that the committee have, I believe in every instance, stricken out the provisions in existing law for the payment of any part of the fine to the informer; have stricken out the minimum punishment, as in the section under consideration; have made what was the maximum punishment in existing law the maximum in this section; have added a six months' term of imprisonment, and have made the punishment a "fine" instead of a "penalty."

The Secretary resumed the reading of the bill, as follows:

SEC. 177. Whoever shall mutilate, cut, deface, disfigure, or perforate with holes, or unite or cement together, or do any other thing to any bank bill, draft, note, or other evidence of debt, issued by any national banking association, or shall cause or procure the same to be done, with intent to render such bank bill, draft, note, or other evidence of debt unfit to be reissued by said association, shall be *fin*ed not more than \$100, or imprisoned not more than six months, or both.

SEC. 178. It shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use, any business or professional card, notice, placard, circular, handbill, or advertisement, in the likeness or similitude of any bond, certificate of indebtedness, certificate of deposit, coupon, United States note, Treasury note, *gold certificate*, *silver certificate*, fractional note, or other obligation or security of the United States which has been or may be issued under or authorized by any act of Congress heretofore passed or which may hereafter be passed; or to write, print, or otherwise impress upon any such instrument, obligation, or security any business or professional card, notice, or advertisement, or any notice or advertisement of any matter or thing whatever. Whoever shall violate any provision of this section shall be *fined not more than \$500*.

Mr. HEYBURN. Mr. President, I would direct attention to the fact that the committee have enlarged the scope of existing law by adding after the word "note," in line 21, the words "gold certificate, silver certificate," because at the time of the passage of existing law those issues were not in existence.

The Secretary resumed the reading of the bill, as follows:

SEC. 179. No person shall make, issue, circulate, or pay out any note, check, memorandum, token, or other obligation for a less sum than \$1, intended to circulate as money or to be received or used in lieu of lawful money of the United States; and every person so offending shall be *fined not more than \$500*, or imprisoned not more than six months, or both.

CHAPTER EIGHT.

OFFENSES AGAINST THE POSTAL SERVICE.

SEC. 180. Whoever, without authority from the Postmaster-General, shall set up or profess to keep any office or place of business bearing the sign, name, or title of post-office, shall be *fined not more than \$500*.

SEC. 181. Whoever, being concerned in carrying the mail, shall collect, receive, or carry any letter or packet, or cause or procure the same to be done, contrary to law, shall be *fined not more than \$50*, or imprisoned not more than thirty days, or both.

Mr. HEYBURN. Mr. President, I desire to call attention to the fact that the committee have substituted the word "fined" in each of these sections where it applies for the word "penalty;" in other words, they have made the punishment a fine instead of a penalty.

Mr. STONE. Mr. President, I should like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. Yes.

Mr. STONE. I should like to ask the Senator why, in section 180, the first clause of the original section, as now written in the law, is omitted?

Mr. HEYBURN. It is merely a transposition of language to conform to the general rule that has uniformly been applied. All of these sections, where it is possible, commence with the word "whoever" instead of "every person who." The Senator will see that in the original law, in section 3829 of the Revised Statutes, the first words are, "The Postmaster-General shall establish post-offices at all such places on post-roads."

Mr. STONE. That is what I am asking about.

Mr. HEYBURN. The section as reported by the committee covers that principle exactly, but the language is transposed to conform to a general principle of construction. I think the Senator will find that nothing has been omitted in point of principle.

Mr. STONE. Does the Senator mean that the language in the first clause of section 3829 is incorporated, even in substance and effect, in the new section 180?

Mr. HEYBURN. To this extent and purpose: The existing law prescribes specifically that—

The Postmaster-General shall establish post-offices at all such places on post-roads established by law as he may deem expedient, and he shall promptly certify such establishment to the Sixth Auditor.

Down to that point it is administrative law and has nothing to do with penal statutes. The penal portion of existing law in that section commences with the words "And every person who, without authority."

Mr. STONE. Yes; I understand.

Mr. HEYBURN. We have simply carried forward the penal clause in existing law, and we have allowed the administrative portion of the existing law to take its proper place in the revision of administrative law.

Mr. STONE. Has it taken its place?

Mr. HEYBURN. It will. That is not reported yet. It will be found in the administrative law when it is reported under the head of the Post-Office Department.

Mr. STONE. Such a provision of law ought to be incorporated somewhere.

Mr. HEYBURN. Yes. I think, Mr. President, the Senator will realize the fact that it is purely an administrative provision.

Mr. STONE. I do recognize that.

Mr. HEYBURN. And had no place originally in a penal statute.

Mr. STONE. I think that is correct; but I say that provision of law ought not to be eliminated.

Mr. HEYBURN. It will not be eliminated. It will be found in the report of administrative law which will come in under its proper title.

The Secretary resumed the reading of the bill, as follows:

SEC. 182. Whoever shall establish any private express for the conveyance of letters or packets, or in any manner cause or provide for the conveyance of the same by regular trips or at stated periods over any post route which is or may be established by law, or from any city, town, or place, to any other city, town, or place, between which the mail is regularly carried, or whoever shall aid or assist therein shall be *fined not more than \$500*, or imprisoned not more than six months, or both: *Provided*, That nothing contained in this section shall be construed as prohibiting any person from receiving and delivering to the nearest post-office, postal car, or other authorized depository for mail matter, any mail matter properly stamped.

SEC. 183. [Whoever, being the owner, driver, conductor, master, or other person having charge of any stagecoach, railway car, steamboat, or other vehicle or vessel, shall knowingly convey or knowingly permit the conveyance of any person acting or employed as a private express for the conveyance of letters or packets, and actually in possession of the same for the purpose of conveying them, contrary to law, shall be *fined not more than \$150*.]

Mr. HEYBURN. Mr. President, it seems to me that the changes in that section are so obvious as to need little explanation. Except that the committee has rearranged the punishment, the change in the section consists only in transposing the language, in omitting redundant matter, and in substituting fine and imprisonment, or both, in lieu of a penalty of \$150.

The Secretary resumed the reading of the bill, as follows:

SEC. 184. Whoever shall transmit by private express or other unlawful means, or deliver to any agent thereof, or deposit or cause to be deposited at any appointed place, for the purpose of being so transmitted, any letter or packet, shall be *fined not more than \$50*.

SEC. 185. [Whoever, being the owner, driver, conductor, master, or other person having charge of any stagecoach, railway car, steamboat, or conveyance of any kind which regularly perform trips at stated periods on any post route, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried, and which shall carry, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time by the same stagecoach, railway car, or other vehicle, except as otherwise provided by law, shall be *fined not more than \$50*.]

Mr. HEYBURN. Mr. President, the section being in brackets, I am called upon to explain the purpose of the committee. "This section has been rewritten for the purpose of omitting redundant matter, and broadened so as to make it apply to a conveyance of any kind." The enumeration of the offenses in the existing law did not meet the conditions that exist at this time. "At present the section provides a penalty of \$100 for a violation of its provisions by the owner, and of \$50 by the driver, etc., of any coach, car, boat, etc. This has been changed to a fine of not more than \$50."

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. BACON. I rise simply for the purpose of directing the attention of the Senator to a certain consideration. I do not know whether or not it is met by other provisions of law, but I notice that this provision limits the letter which can be carried by any person engaged by a common carrier, a conductor or other employee of that kind, to a communication which relates to some part of the particular cargo carried at the same time—that is, on the same train. I am satisfied if that is now the law or shall become the law, it must necessarily be continually violated by the railroad companies. It would be absolutely impossible for them to carry on their business if that was enforced to the letter. It is continually necessary for railroad officials to send up and down the line by their conductors or other messengers communications relating to the business of the road; communications not only connected with the freight on that particular train, but with any other business. It is done daily, hundreds and thousands of times daily; and I presume everybody recognizes that it is absolutely necessary in the conduct of their business that they should have the liberty so to do.

I should like to hear the Senator on that subject, whether or not he considers that that section is sufficiently broad to permit the sending of such communications by railroad officials to their employees or officers as are necessary daily, and many times daily.

Mr. HEYBURN. The committee were impelled to report the section as it is before us because it was existing law. There is much force in the suggestion of the Senator from Georgia that the liberty granted to the carrier with reference to carrying letters and communications is perhaps not adapted to existing conditions. Perhaps at the time of the enactment of the statute it was. But the committee did not feel, under the circumstances, that they would be justified in attempting to change a law governing the transmission of such mail matter

without the matter being referred to a standing committee of Congress for consideration. So we have reported the existing law, and I think perhaps the section had better go over under the general rule.

Mr. BACON. Yes. Before we leave the subject, however, I desire to call attention to the language in order that it may be seen in this connection how very drastic it is. After a general prohibition against the carrying of any letter or any communication of any kind by any officer of the railroad, such as a conductor or any other officer of like character, it says "except such as relate to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time by the same stagecoach, railway car, or other vehicle." That would make it utterly impossible to send any communication up and down by an officer or employee of the road unless it related to some article in the same car, which by liberal construction, I presume, might mean the same train, as that upon which the messenger went.

I think, as suggested by the Senator from Idaho, that the section ought to lie over, in order that it may be properly amended. It is certainly ill-adapted to the business necessities of the present day.

Mr. HEYBURN. I would suggest that if the existing law is to be amended, it perhaps should be more properly done by independent legislation and let it come before the appropriate committee of this body.

Mr. BACON. Here is a section which relates to that particular subject, and the easiest way is to amend this particular section.

Mr. HEYBURN. The difficulty arises from the fact that if we open up to amendment the existing law as it is reported by the committee, the probabilities are that the temptation to amend a great many sections of existing law might involve the consideration of this bill in difficulties which would be embarrassing. I would suggest to the Senator that it is rather a dangerous door to open.

Mr. BACON. Yesterday I called the attention of the Senator to the fact that they have, in a great many instances, I think with perfect propriety, enlarged or restricted, as the case may be, various provisions of the law so as to adapt them to present conditions. The Senator will certainly recall the fact that that has been done times beyond number. This is particularly a case where a few words could be interpolated in this section so as to give the railroads, or any other common carrier, but the railroad companies particularly—because they are more directly engaged in business that requires communications of that kind—the right to send up and down their road communications relating strictly to their own business. They can not wait for the mail, and frequently it is not feasible to telegraph. But if the suggestion of the Senator is carried out and the section goes over, that matter will more properly come up when we again reach this section.

Mr. HEYBURN. Let it go over for further consideration.

Mr. BACON. I have no doubt of the absolute necessity that something should be done in this respect.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary read as follows:

SEC. 186. Whoever shall carry any letter or packet on board any vessel which carries the mail, otherwise than in such mail, except as otherwise provided by law, shall be fined not more than \$50 or imprisoned not more than one month, or both.

SEC. 187. Nothing in this chapter shall be construed to prohibit the conveyance or transmission of letters or packets by private hands without compensation, or by special messenger employed for the particular occasion only.

SEC. 188. Whoever, not being connected with the letter-carrier branch of the postal service, shall wear the uniform or badge which may be prescribed by the Postmaster-General, to be worn by letter carriers, shall be fined not more than \$100 or imprisoned not more than six months, or both.

SEC. 189. [It shall be unlawful to paint, print, or in any manner to place upon or attach to any steamboat or other vessel, or any car, stage coach, vehicle, or other conveyance, not actually used in carrying the mail, the words "United States mail," or any words, letters, or characters of like import; or to give notice, by publishing in any newspaper or otherwise, that any steamboat or other vessel, or any car, stage coach, vehicle, or other conveyance, is used in carrying the mail, when the same is not actually so used; and every person who shall violate, and every owner, receiver, lessee, or managing operator thereof, who shall cause, suffer, or permit the violation of any provision of this section, shall be liable, and shall be fined not more than \$1,000, or imprisoned not more than two years, or both.]

Mr. HEYBURN. It will be observed that the latter part of the section as reported is entirely in italics. The purpose of the committee in adding this clause to the existing law will be found in the notes to section 189:

Section 3979, Revised Statutes, punishes the person who paints upon or attaches to any car or boat the words "United States mail," when the same is not engaged in carrying the mail. But this section does not reach the person who directs or causes it to be done. For this reason the committee has broadened the section so that it will reach those in authority and responsible for the unlawful use of such words.

Mr. BACON. I think that it is a proper addition; and it illustrates what I have just said with regard to the proposition in connection with a preceding section, that the committee did properly take the opportunity to correct manifest imperfections in the law.

Mr. HEYBURN. I realize the desirability of taking advantage of this consideration of the law for the purpose of making such corrections as would obviate the necessity of independent legislation, and it is not my intention to oppose it. I only want to keep it within the strictest bounds consistent with the proper performance of our duty.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The Secretary read as follows:

SEC. 190. Whoever shall tear, cut, or otherwise injure any mail bag, pouch, or other thing used or designed for use in the conveyance of the mail, or shall draw or break any staple or loosen any part of any lock, chain, or strap attached thereto with intent to rob or steal any such mail; or to render the same insecure, shall be fined not more than \$500 or imprisoned not more than three years, or both.

SEC. 191. [Whoever shall steal, purloin, or embezzle any mail bag or other property in use by or belonging to the Post-Office Department, or shall appropriate any such property to his own or any other than its proper use, or shall convey away any such property to the hindrance or detriment of the public service, shall be fined not more than \$200 or imprisoned not more than three years or both.]

Mr. HEYBURN. This section is in brackets.

The change in this section consists in the omission of the words "for any lucre, gain, or convenience," wherever they occur, so that the mere stealing, embezzling, or purloining shall constitute an offense, irrespective of the intent with which the property is taken.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The Secretary read as follows:

SEC. 192. Whoever shall steal, purloin, embezzle, or obtain by any false pretense, or shall aid or assist in stealing, purloining, or embezzling, or obtaining by any false pretense any key suited to any lock adopted by the Post-Office Department and in use on any of the mails or bags thereof, or any key to any lock box, lock drawer, or other authorized receptacle for the deposit or delivery of mail matter; or whoever shall knowingly and unlawfully make, forge, or counterfeit, or cause to be unlawfully made, forged, or counterfeited, any such key, or shall have in his possession any such mail lock or key with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of; or whoever, being engaged as a contractor or otherwise in the manufacture of any such mail lock or key, shall deliver or cause to be delivered, any finished or unfinished lock or key used or designed for use by the Department, or the interior part of any such lock, to any person not duly authorized under the hand of the Postmaster-General and the seal of the Post-Office Department, to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer, shall be fined not more than \$500, and imprisoned not more than ten years.

SEC. 193. Whoever shall forcibly break into or attempt to break into any post-office, or any building used in whole or in part as a post-office, with intent to commit in such post-office, or building, or part thereof, so used, any larceny or other depredation, shall be fined not more than \$1,000, and imprisoned not more than five years.

SEC. 194. [Whoever, by violence, shall enter a post-office car, or any apartment in any car, steamboat, or vessel, assigned to the use of the mail service, or shall willfully or maliciously assault or interfere with any postal clerk in the discharge of his duties in connection with such car, steamboat, vessel, or apartment thereof, or shall willfully aid or assist therein, shall be fined not more than \$1,000, or imprisoned not more than three years, or both.]

Mr. HEYBURN. Mr. President, this section has been enlarged so as to protect postal clerks employed on vessels. They are not included within the provisions of existing law.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The Secretary read as follows:

SEC. 195. [Whoever shall steal, take, or abstract, or by fraud or deception obtain, from or out of any mail, post-office, or station thereof, or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or shall abstract or remove from any such letter, package, bag, or mail, any article or thing contained therein, or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or whoever shall buy, receive, or conceal, or aid in buying, receiving, or concealing, or shall unlawfully have in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been so stolen, taken, embezzled, or abstracted, as herein described, knowing the same to have been so stolen, taken, embezzled, or abstracted; or whoever shall take any letter, postal card, or package, out of any post-office or station thereof, or out of any authorized depository for mail matter, or from any letter or mail carrier, or which has been in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with a design to obstruct the correspondence, or to pry into the business or secrets of another, or shall open, secrete, embezzle, or destroy the same, shall be fined not more than \$2,000, or imprisoned not more than five years, or both.]

Mr. HEYBURN. I read from the report:

This section is derived from three sections of the Revised Statutes. These sections enumerate the various articles or things the taking of which is made punishable. This enumeration has been omitted and the section changed so as to punish the taking of anything from the mail by one not authorized to do so. The remaining amendments are clearly indicated by the words italicized.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. Certainly.

Mr. HALE. Does that include the taking of money?

Mr. HEYBURN. Any thing that is in the mail.

Mr. HALE. Does the Senator think that the language—"any thing"—would cover what is the object of almost breaking into mail matter—the money or the money order or whatever it is? Does the Senator think the language "any thing" will cover it?

Mr. HEYBURN. The language is more comprehensive. The language is "shall abstract or remove from any such letter, package, bag, or mail any article or thing contained therein."

Mr. HALE. Does the Senator think that includes money?

Mr. HEYBURN. The committee seemed to think it was sufficiently comprehensive to include anything that was contained in the mail.

Mr. HALE. Why not put in the word "money?"

Mr. HEYBURN. The enumerations existing in the three sections of existing law are not entirely comprehensive; and having undertaken to enumerate the articles and failed to enumerate them all, it was thought best to use such general language as would include any thing that might be in the mail.

Mr. HALE. I do not know but that the Senator is right, but it struck me in reading over the language that possibly the taking of money might not be included in the words "any thing."

Mr. HEYBURN. It says "any article or thing."

Mr. HALE. "Any article or thing." It is not an article, precisely; it is not a thing; but it is currency; it is money. Does the Senator think it is ample without putting in the word "money?" I have not examined it, but it struck me, on reading it over, it might possibly be open to that objection.

Mr. HEYBURN. The committee thought it would be amply comprehensive.

Mr. HALE. They thought it would cover it?

Mr. HEYBURN. Yes.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The Secretary read as follows:

SEC. 196. [Whoever, being a postmaster or other person employed in any department of the postal service, shall unlawfully detain, delay, or open any letter, postal card, package, bag, or mail intrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the postal service, or forwarded through or delivered from any post-office or station thereof established by authority of the Postmaster-General; or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail; or shall steal, abstract, or remove from any such letter, package, bag, or mail, any article or thing contained therein, shall be fined not more than \$500 or imprisoned not more than five years, or both.]

SEC. 197. [Whoever, being a postmaster or other person employed in any department of the postal service, shall improperly detain, delay, embezzle, or destroy any newspaper, or permit any other person to detain, delay, embezzle, or destroy the same, or open, or permit any other person to open, any mail or package of newspapers not directed to the office where he is employed; or whoever shall open, embezzle, or destroy any mail or package of newspapers not being directed to him, and he not being authorized to open or receive the same; or whoever shall take or steal any mail or package of newspapers from any post-office or from any person having custody thereof, shall be fined not more than \$100, or imprisoned not more than one year, or both.]

SEC. 198. [Whoever shall assault any person having lawful charge, control, or custody of any mail matter, with intent to rob, steal, or purloin such mail matter or any part thereof, or shall rob any such person of such mail or any part thereof, shall, for a first offense, be imprisoned not more than ten years, and for a subsequent offense shall be imprisoned twenty-five years.]

Mr. HEYBURN. It seems proper to call attention to the change made in this section.

This section is made up of two sections of the Revised Statutes. Under those sections, one committing robbery of the mails, or attempting to do so, and in doing or attempting to do which makes use of a dangerous weapon, is subject to imprisonment for life. This language has been omitted and the maximum imprisonment which may be imposed has been reduced to twenty-five years.

It was thought by the committee, under the changed conditions since the original enactment of that statute and in accordance with the general system of uniform punishment which the committee have adopted, that it was better to establish a maximum punishment.

Mr. BACON. As I understand the Senator, the law as it now stands on the statute books draws a distinction between the grade of the offense where a man commits a simple assault and where in committing the assault he uses a deadly weapon. Am I correct?

Mr. HEYBURN. Yes.

Mr. BACON. I have not had time to read it over, although it is before me.

Mr. HEYBURN. Yes. The committee welded together the two sections, each covering a different grade of the offense, and

undertook to make the maximum punishment sufficiently severe and comprehensive to apply to both of them.

Mr. BACON. I shall not ask to have any change made in the report of the committee in that particular, but I very gravely doubt the wisdom of that change. We have the same distinction running through all the criminal law, in which there is simply a maximum punishment which would cover all grades of offenses, but in which there is by a specification of the different grades an emphasis put upon the fact that a higher grade should have a higher punishment. We have simple assault and we have assault with intent to kill or assault with a deadly weapon, as expressed in some jurisdictions. The law as it now stands meant that there should be emphasized the fact that it is a very different offense, the making of a simple assault without a deadly weapon and the assault with a deadly weapon.

I do not know whether to suggest that the section be laid over. I think it is a matter of some importance. In the years to come people will not refer back to the original statute to see what changes have been made, and it will simply rest upon the statute book in the form now proposed, without any specific attention being drawn to the enormity of the latter offense, to wit, the offense where one makes the assault, for the purpose indicated here, with a deadly weapon.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. Certainly.

Mr. SUTHERLAND. Under the existing statute the difference between the two offenses consists in the one case of having succeeded by the assault in making the robbery and in the other case in not having succeeded. The test of the offense is the assault with the intent to commit the robbery. So far as I am concerned, I can see no good reason for making a distinction between the two classes of offenses.

Mr. BACON. Now, Mr. President—

Mr. SUTHERLAND. Will the Senator permit me?

Mr. BACON. Certainly.

Mr. SUTHERLAND. It seems to me an equally serious offense where a mail carrier has been assaulted with the intent to rob him of the mail, whether the robbery succeeds or not. So the committee has simply molded the two sections into one and made it an offense for any person to assault another who has the lawful charge or control or custody of any mail matter with intent to rob him, whether the robbery succeeds or not.

Mr. BACON. As I understand the Senator now, each of the two offenses has the same element of the murderous weapon, and the difference is whether he succeeds in the one and fails in the other. Am I correct?

Mr. SUTHERLAND. No; not to that extent. The first section, section 5472, provides—

Any person who shall rob any carrier, agent, or other person intrusted with the mail, of such mail, or any part thereof, shall be punishable by imprisonment at hard labor for not less than five years and not more than ten years.

That is where the robbery has been completed.

And if convicted a second time of a like offense, or if, in effecting such robbery the first time the robber shall wound the person having custody of the mail, or put his life in jeopardy by the use of dangerous weapons, such offender shall be punishable by imprisonment at hard labor for the term of his natural life.

The next section which has been incorporated with it provides:

Any person who shall attempt to rob the mail by assaulting the person having custody thereof, shooting at him or his horse, or threatening him with dangerous weapons, and shall not effect such robbery, shall be punishable by imprisonment at hard labor for not less than two years and not more than ten years.

It seems to me there is no reason for making a distinction between a case where the robbery is not effected and where it is.

Mr. BACON. I had the opportunity while the Senator was on the floor to read the sections, and I think the distinction which I endeavored to draw in the first instance is correctly drawn. I will read section 5472 for the purpose of ascertaining whether or not I am correct; and it will be seen that there is an effort made to draw a distinction between the offense committed in the way of an ordinary assault and where it is sought to be perpetrated by a deadly weapon.

Any person who shall rob any carrier, agent, or other person intrusted with the mail, of such mail, or any part thereof, shall be punishable by imprisonment at hard labor for not less than five years and not more than ten years.

It will be observed that in that clause there is nothing said about a deadly weapon.

And if convicted a second time of a like offense, or if, in effecting such robbery the first time, the robber shall wound the person having custody of the mail, or put his life in jeopardy by the use of dangerous weapons, such offender shall be punishable at hard labor for the term of his natural life.

There is the clear distinction. It will be observed that the latter clause is not limited entirely to the case of a second offense. The increased punishment is given in the case of the second offense in any event, and then it goes on to say that even if it be the first offense, if it be attempted with a murderous weapon, there shall be the increased punishment. While it is true that the section as reported by the committee gives a punishment ample to cover this increased grade of offense, at the same time there is lost what I think is important—the specific statement and emphasis of the difference which the law recognizes in the case of simple assault and the case where it is effected or attempted to be effected by a murderous weapon.

Mr. SUTHERLAND. I think the Senator from Georgia is correct about that, and that the words in the old statute to which he calls attention now ought to be reinserted in the amended statute.

Mr. BACON. I think so. I suggest to the Senator to let the section lie over.

Mr. HEYBURN. My opinion would be that there was no occasion for changing the law as it was written. The Commission in many instances had reported changes, and we were specifically directed by the law under which we were acting to consider the report of the Commission, so that in some instances (I will not say against our own judgment) we adopted the report of the Commission where had we been acting upon first intention we would not have done so. This is perhaps one of those cases.

Mr. HALE. Let me ask the Senator a question. I have not been able to pay much attention to the bill. Others have given it much better attention than I could have done. To my mind the old section 5472—

Mr. BACON. And also the succeeding one.

Mr. HALE. And section 5473 are much better by their classification and gradation and distinction of punishment than the new section.

Mr. BACON. I think so.

Mr. HALE. Now, what method shall we resort to in order to put in the old sections instead of the new?

Mr. HEYBURN. We are now considering the bill as in Committee of the Whole for amendment, and it would be entirely appropriate and proper to submit a motion—

Mr. HALE. To restore the old sections?

Mr. HEYBURN. To restore the old sections in lieu of section 198; and perhaps that would be the proper thing to do.

Mr. HALE. If the Senator from Georgia, who has given so much attention to this matter, thinks that it should be done, I hope he will make that motion.

Mr. BACON. I would suggest to the Senator that the section as reported has some of the other usual amendments, which are an improvement upon the general style, the substitution of the word "Whoever," and so on. So I would ask the Senators who are really in the charge and care of the bill to redraft it, simply making such necessary amendments as may be deemed proper for the purpose of style, retaining the present provision classifying and grading these offenses.

Mr. HEYBURN. I will ask that the section be passed over, and we will recur to it.

Mr. HALE. That will cover it entirely.

Mr. HEYBURN. We will present it in that form later.

The Secretary continued the reading of the bill, as follows:

SEC. 199. [Whoever shall willfully injure, tear down, or destroy any letter box, pillar box, lock box, lock drawer, or other receptacle established or approved by the Postmaster-General for the safe deposit of matter for the mail or for delivery, or any lock or similar device belonging or attached thereto, or any letter box or other receptacle designated or approved by the Postmaster-General for the receipt or delivery of mail matter on any rural free-delivery route, star route, or other mail route, or shall break open the same; or shall willfully injure, deface, or destroy any mail matter deposited in any letter box, pillar box, lock box, lock drawer, or other receptacle established or approved by the Postmaster-General for the safe deposit of matter for the mail or for delivery; or shall willfully take or steal such matter from or out of any such letter box, pillar box, lock box, lock drawer, or other receptacle, or shall willfully and maliciously assault any letter or mail carrier, knowing him to be such, while engaged on his route in the discharge of his duty as such carrier, or shall willfully aid or assist in any offense defined in this section, shall be fined not more than \$1,000 or imprisoned not more than three years, or both.]

Mr. HEYBURN. This section is taken from three distinct acts of Congress, the first represented by section 3869 of the Revised Statutes, the second by section 5466 of the Revised Statutes, and the latter part of it by section 3 of the act of the 21st of April, 1902, as amended on the 3d of March, 1903. So those provisions were scattered through rather an inconvenient number of volumes for reference. The committee have brought

them together and molded them into a form, retaining the substance and intent of the original law. No change has been made in existing law.

The Secretary continued the reading of the bill, as follows:

SEC. 200. [Whoever, having taken charge of any mail, shall voluntarily quit or desert the same before he has delivered it into the post-office at the termination of the route or to some known mail carrier, messenger, agent, or other employee in the postal service authorized to receive the same, shall be fined not more than \$500, or imprisoned not more than one year, or both.]

SEC. 201. [The master or other person having charge or control of any steamboat or other vessel passing between ports or places in the United States, arriving at any such port or place where there is a post-office, shall deliver to the postmaster or at the post-office within three hours after his arrival, if in the daytime, and if at night, within two hours after the next sunrise, all letters and packages brought by him or within his power or control and not relating to the cargo, addressed to or destined for such port or place, for which he shall receive from the postmaster two cents for each letter or package so delivered, unless the same is carried under a contract for carrying the mail; and for every failure so to deliver such letters or packages, the master or other person having charge or control of such steamboat or other vessel, shall be fined not more than \$150.]

SEC. 202. Whoever shall knowingly and willfully obstruct or retard the passage of the mail, or any carriage, horse driver, or carrier, or car, steamboat, or other conveyance or vessel carrying the same, shall be fined not more than \$100, or imprisoned not more than six months, or both.

Mr. HEYBURN. I will say that the section just read and that the one preceding it, while in brackets, contain no change except that the appliances for carrying the mails now in existence are included. Such appliances were not in existence at the time of the enactment of the statute.

Mr. BACON. I should like to ask the Senator from Idaho the construction of the prior section, 201. He was engaged at the time, and I did not interrupt him. Does the Senator understand that that section permits the captain of a steamboat to bring mail that is not stamped, and requires him simply to deliver it to the nearest post-office within a certain time after the arrival, and to receive remuneration therefor? Is that the construction?

Mr. HEYBURN. Does the Senator refer to lines 15, 16, and 17 of section 201?

Mr. BACON. Well, it begins back a little further than that, in lines 10 and 11.

Mr. HEYBURN. That is the existing statute—

Mr. BACON. I know it is.

Mr. HEYBURN. And I have no doubt it has been construed. I think I could refer the Senator to some cases of construction. It is merely intended to cover conditions that arise only occasionally.

Mr. BACON. Yes. The only reason why I asked the question is that I suppose, without having the time now to compare the two, it is in harmony with the preceding section, which prohibits the carrying of mail by any person unless duly authorized under contract or where the letters have been stamped. I presume they are in harmony, though I have not time now to compare the two.

Mr. HEYBURN. I think the Senator will find it is rather within the exception of the preceding section.

Mr. BACON. And thereby harmonious?

Mr. HEYBURN. And thereby not within the limitation.

The Secretary continued the reading of the bill, as follows:

SEC. 203. Whoever, being a ferryman, shall delay the passage of the mail by willful neglect or refusal to transport the same across any ferry shall be fined not more than \$100.

SEC. 204. All letters or other mailable matter conveyed to or from any part of the United States by any foreign vessel, except such sealed letters relating to such vessel or any part of the cargo thereof as may be directed to the owners or consignees of the vessel, shall be subject to postage charge, whether addressed to any person in the United States or elsewhere, provided they are conveyed by the packet or other ship of a foreign country imposing postage on letters or other mailable matter conveyed to or from such country by any vessel of the United States; and such letters or other mailable matter carried in foreign vessels, except such sealed letters relating to the vessel or any part of the cargo thereof as may be directed to the owners or consignees, shall be delivered into the United States post-office by the master or other person having charge or control of such vessel when arriving, and be taken from the United States post-office when departing, and the postage justly chargeable by law paid thereon; and for refusing or failing to do so, or for conveying such letters or other mailable matter, or any letters or other mailable matter, intended to be conveyed in any vessel of such foreign country, over or across the United States, or any portion thereof, the party offending shall be fined not more than \$1,000.

Mr. BACON. I think that section is open to the same criticism as that which is made in regard to the restrictions put upon railroads and other land or interior carriers, in the fact that it is too narrow in its exception. It is a matter which relates entirely to foreign vessels, but the exception is limited to communications relative to that particular vessel or a part of the cargo of that vessel. It seems to me that anything which relates to the business of that company ought to be within the exception. But without an opportunity to fully reflect upon it now, I think the section had better be passed over, so that we can take it up in connection with the other matter which we

will subsequently consider, as to what class of communications can be transported by railroad companies and other inland carriers.

The Secretary continued the reading of the bill, as follows:

Sec. 205. No vessel arriving within a port or collection district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered to the nearest post-office, and the master or other person having charge or control thereof has signed and sworn to the following declaration before the collector or other proper customs officer:

I, A. B., master —, of the —, arriving from —, and now lying in the port of —, do solemnly swear (or affirm) that I have to the best of my knowledge and belief delivered to the post-office at — every letter and every bag, packet, or parcel of letters which was on board the said vessel during her last voyage, or which were in my possession or under my power or control.

And any master or other person having charge or control of such vessel who shall break bulk before he has delivered such letters shall be fined not more than \$100.

Sec. 206. [Whoever shall use or attempt to use in payment of postage, any canceled postage stamp, whether the same has been used or not; or shall remove, attempt to remove, or assist in removing the canceling or defacing marks from any postage stamp, or the super-scription from any stamped envelope, or postal card, that has once been used in payment of postage, with the intent to use the same for a like purpose, or to sell or offer to sell the same, or shall knowingly have in possession any such postage stamp, stamped envelope, or postal card, with intent to use the same, or shall knowingly sell or offer to sell any such postage stamp, stamped envelope, or postal card, or use or attempt to use the same in payment of postage; or whoever unlawfully and willfully shall remove from any mail matter any stamp attached thereto in payment of postage; or shall knowingly use or cause to be used in payment of postage, any postage stamp, postal card, or stamped envelope, issued in pursuance of law, which has already been used for a like purpose; shall, if he be a person employed in the postal service, be fined not more than \$500, or imprisoned not more than three years, or both; and if he be a person not employed in the postal service, shall be fined not more than \$500, or imprisoned not more than one year, or both.]

Mr. HEYBURN. I think the purpose of the committee in combining the five sections of existing law under the one section, 206, must be obvious. It was as much as for any other reason to avoid repeating the offense as to the two classes of employees. It was found better form and more convenient to describe the offense in one section and then specify the punishment separately for the two classes of employees.

Mr. HALE. Mr. President, I notice the four sections that are taken and the intent of which is sought to be embodied in section 206 have a very marked gradation of punishment according to the enormity of the offense. For instance, in section 3922 the punishment is by a fine of not more than \$100 or by imprisonment for not more than six months. In section 3923, which provides for attempting to use in payment any postage stamp that has already been subjected to use, the penalty is only \$50, indicating that in framing these laws originally the relative magnitude of the offense was considered when the punishment was measured out.

My only criticism about embodying it all in one section is as to the lighter penalties imposed in the original sections. Perhaps the committee felt that it could not adhere to the gradations of the old law. They are practically abolished and all of the offenses provided for in these four sections are in a way concentrated, and the punishment is made the same for the lighter offense under the original statute as for the heavier offense.

Does the Senator think that the provisions here for only two kinds of punishment, much heavier than those in the old sections, are not too severe and do not exceed the punishments provided in the old statute?

Mr. HEYBURN. It will be observed that we have uniformly abolished minimum fines and punishments and have recommended only maximum fines and punishments, leaving it to the discretion of the court to impose in each case even the very lightest fine or the lightest punishment.

There are four distinct classes of punishment provided by the existing law from which this section is drawn. In section 3922 the punishment is by a fine of not more than \$100, or by imprisonment for not more than six months. Those are the maximums for the first offense described. For the second offense described the penalty is \$50 arbitrarily, with no discretion to govern the court in case the offense was shown to be without moral turpitude. In the third class of offenses the punishment is not less than one year. There is a minimum punishment, and the court could not sentence the party found guilty to less than a year, when perhaps the circumstances might be exceptional, and the jury perhaps taking that into consideration would acquit a party who is really guilty, but not in their judgment so guilty as to be subjected to an arbitrary fine or to an imprisonment of not more than three years.

Mr. HALE. Not less than one nor more than three.

Mr. HEYBURN. Yes; not less than one year. Now, having abolished those minimum punishments and leaving it to the

discretion of the court to take into consideration each case on its own merits, it was deemed best to recommend such a maximum punishment as would be amply sufficient to cover all of each of the classes of offenses and yet leave it within the power of the court to administer a proper punishment.

Mr. HALE. I think, Mr. President, that so far as I am concerned that explanation is entirely satisfactory. The clause making whatever the amount of money or the term of imprisonment maximum and leaving it in the discretion of the judge accomplishes all that was done in the old statute.

Mr. SUTHERLAND. I would call the attention of the Senator from Maine to the fact that section 3923, which provides for a penalty of only \$50, is substantially embodied also in sections 3924 and 3925, which provide for precisely the same offense—a fine of not less than \$100 nor more than \$500 for each offense. Section 3923 makes it an offense for any person to use or attempt to use in payment of postage any stamp which has been used before. Section 3924 makes it an offense, among others, for any person employed in the Post-Office Department to make use of such a stamp, while section 3925 makes it an offense for any person not employed in the Post-Office Department to commit any of the offenses included in section 3924.

So really we have the punishment in section 3925 far exceeding the punishment provided in section 3923 for precisely the same offense; and by embodying all the sections in one we have made the whole thing consistent, as I think.

Mr. HEYBURN. The next section can be passed over under the understanding that entirely new sections will not be taken up at this time.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The section will be passed over.

Mr. HEYBURN. My attention is called to the fact that while section 207 is largely redrafted, yet it is not within the rule of the sections we pass over. So it may be read.

The PRESIDING OFFICER. The section will be read.

The Secretary read the next section, as follows:

Sec. 207. Whoever, being a postmaster or other person employed in any branch of the postal service, shall make, or assist in making, or cause to be made, a false return, statement, or account to any officer of the United States, or shall make, assist in making, or cause to be made, a false entry in any record, book, or account, required by law or the rules or regulations of the Post-Office Department to be kept in respect of the business or operations of any post-office or other branch of the postal service, for the purpose of fraudulently increasing his compensation or the compensation of the postmaster or any employee in a post-office; or whoever, being a postmaster or other person employed in any post-office or station thereof, shall induce, or attempt to induce, for the purpose of increasing the emoluments or compensation of his office, any person to deposit mail matter in, or forward in any manner for mailing at, the office where such postmaster or other person is employed, knowing such matter to be properly mailable at another post-office, shall be fined not more than \$500, or imprisoned not more than two years, or both.

Mr. HEYBURN. This section is redrafted and made to meet the exigencies of existing conditions. We are advised that the change was recommended to the Commission by the Department as a result of experienced difficulty in applying the existing law, which is quite meager. It was intended to prevent—

Mr. CLAY. With the Senator's permission—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. CLAY. The recommendation of the committee greatly enlarges the present law. The present law simply provides that—

Any postmaster who shall make a false return to the Auditor for the purpose of fraudulently increasing his compensation, under the provisions of this or any other act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than \$50 nor more than \$500, or imprisoned for a term not exceeding one year, or punished by both such fine and imprisonment, in the discretion of the court.

The section here recommended by the committee makes it a penal offense to violate in a certain particular the rules of the Post-Office Department. Now, is it not going a long way for Congress to undertake to say it shall be a criminal offense to violate the rules to be established by the Post-Office Department? Ought not a criminal law to define the offense and provide the punishment? We can not tell what rules the Department might establish; and so, it strikes me, when we undertake to say that a violation of the rules of the Post-Office Department shall be a criminal offense it is a very serious matter.

Mr. HEYBURN. Mr. President, I am very much in sympathy with the sentiment expressed by the Senator from Georgia. I am not in favor of giving to any rule or regulation of any Department of the Government, executive or administrative, the force and effect of a criminal statute. So I reserved in

the committee the right, in the consideration of this bill, at all times to object to such provisions wherever they were found. I will therefore ask my colleague on the committee [Mr. SUTHERLAND] to speak in regard to that question.

Mr. SUTHERLAND. Mr. President, as I understand this provision, it does not come within the criticism which the Senator from Georgia [Mr. CLAY] makes and to which my colleague on the committee [Mr. HEYBURN] seems to assent. The provision as suggested by the committee is:

SEC. 207. Whoever, being a postmaster or other person employed in any branch of the postal service, shall make, or assist in making, or cause to be made, a false return, statement, or account to any officer of the United States, or shall make, assist in making, or cause to be made, a false entry in any record, book, or account, required by law or the rules or regulations of the Post-Office Department to be kept in respect of the business or operations of any post-office or other branch of the postal service, etc.

The gist of the offense which is defined by that section is the making of a false entry for the purpose of fraudulently increasing the compensation of the postmaster. It would be just as great an offense against the law to make a false entry in a book which has been provided for that purpose under a regulation of the Department as it would be where the book had been provided by an express provision of law; in other words, the Post-Office Department, in providing that a certain book shall be kept, simply furnishes the occasion for the commission of the offense, and the substantive offense itself is not the violation of the regulation at all. To illustrate the difference: Suppose that the Interior Department makes a regulation that only timber of a certain size shall be cut upon a forest reserve and somebody cuts timber of another description. That is a direct violation of the regulation of the Department. But here the Post-Office Department is authorized to provide certain forms of books, and requires certain forms and kinds of books. The law says that, when that has been done, if any postmaster makes a false entry in such book he is guilty of this offense. So that—I do not know whether I make myself clear about it—the substantive offense is not the violation of the regulation, but the making of the regulation simply furnishes the opportunity for committing the offense.

Mr. HALE. The regulation is only an incident to the law.

Mr. SUTHERLAND. Exactly.

Mr. HALE. It is not the violation of the regulation which makes it criminal, but the violation of the original statute.

Mr. SUTHERLAND. It is the violation of the law which makes it criminal.

Mr. HALE. Yes.

Mr. SUTHERLAND. The Post-Office Department simply provides the books or declares what kind of books shall be kept. If, then, in those books a false entry is made for the purpose of increasing the postmaster's compensation, that is not a violation of the regulation, but a violation of the law.

Mr. HEYBURN. Mr. President, unfortunately the language of the section on pages 106 and 107 reads, when separated from the text referring to other matters, as follows:

Shall cause to be made a false entry in any record, book, or account required by the rules and regulations of the Post-Office Department.

Now, suppose in addition to the books required by law, the Post-Office Department should make a rule or a regulation that certain other books should be kept in addition to those required by law, then the offense might be committed by making this prohibited entry in either the books required by law or the books required by such rules and regulations. It is not one of those very radical instances that come within the principle to which I have expressed an objection, but it still comes so near to it as to probably afford the basis of a prosecution for making entries in books that under the law the postmaster was not required to keep. It was for that reason I preferred that my colleague on the committee should take charge of this section.

Mr. CLAY. With the Senator's permission, I desire also to call his attention to the latter part of the section. It is intended by this section, doubtless, that all mailable matter shall be mailed at the home post-office; at least that a postmaster shall not by any method attempt to induce persons distant from his post-office to mail matter at his office for the purpose of increasing his compensation. I know of an instance that occurred in my State, where the owner of a manufacturing plant became angry with the postmaster of that town and he carried his mail 6 miles farther and got another office established. Complaint of that was made by the postmaster, an inspector was sent there, and the matter was investigated.

I am afraid that the pending section containing such an addition to the present law will be likely to frequently call forth investigations by post-office inspectors and may give trouble. I therefore suggest to the Senator in charge of the bill that that

section had better go over. It is almost a new section and embraces very many more subjects than does the original law.

Mr. SUTHERLAND. I think there is no objection to passing over that section.

The VICE-PRESIDENT. The section will be passed over.

The Secretary resumed the reading of the bill, as follows:

SEC. 208. Whoever, being a postmaster or other person authorized to receive the postage of mail matter, shall fraudulently demand or receive any rate of postage or gratuity or reward other than is provided by law for the postage of such mail matter, shall be fined not more than \$100, or imprisoned not more than six months, or both.

SEC. 209. Whoever, being a postmaster or other person employed in any branch of the postal service, and being intrusted with the sale or custody of postage stamps, stamped envelopes, or postal cards, shall use or dispose of them in the payment of debts, or in the purchase of merchandise or other salable articles, or pledge or hypothecate the same, or sell or dispose of them except for cash; or sell or dispose of postage stamps or postal cards for any larger or less sum than the values indicated on their faces; or sell or dispose of stamped envelopes for a larger or less sum than is charged therefor by the Post-Office Department for like quantities; or sell or dispose of, or cause to be sold or disposed of, postage stamps, stamped envelopes, or postal cards at any point or place outside of the delivery of the office where such postmaster or other person is employed; or induce or attempt to induce, for the purpose of increasing the emoluments or compensation of such postmaster, or the emoluments or compensation of any other person employed in such post-office or any station thereof, or the allowances or facilities provided therefor, any person to purchase at such post-office or any station thereof, or from any employee of such post-office, postage stamps, stamped envelopes, or postal cards; or sell or dispose of postage stamps, stamped envelopes, or postal cards, otherwise than as provided by law or the regulations of the Post-Office Department, shall be fined not more than \$500 or imprisoned not more than one year, or both.

Mr. KEAN. I ask the Senator from Idaho if he will kindly explain section 209. There seems to be a good deal of new matter introduced into it.

Mr. HEYBURN. Mr. President, this section, like section 207, is intended to prevent the padding of post-office reports for the purpose of affecting the classification of the office, which, of course, carries with it the salary of the postmaster.

The new matter contained in section 209 is the result of experience in the enforcement of existing law. It has been found defective against new devices that have been resorted to for the purpose of accomplishing what the existing law was intended to prevent.

It must be obvious to Senators that it is quite important that the Post-Office Department shall be protected against the padding of returns that would affect the classification of the post-office.

Mr. KEAN. May I ask the Senator from Idaho what he means by "new devices?"

Mr. HEYBURN. Well, originally the ingenuity of man had only reached the simpler methods of bringing about an apparent increase in the business of post-offices; but from time to time man has grown more ingenious in devising new plans of defeating the purposes of the law. In other words, postmasters have, in some instances at least, been charged with borrowing the mail from neighboring offices, or making an arrangement with some large manufacturing concern near by, who were sending out a vast number of circulars, that they should bring them over to their offices during the period when the mail was being weighed, in order that the post-office might appear to have a larger amount of business than it really had, or than was legitimately entitled to be counted on their behalf.

The purpose of this statute—if the Senator will read it he will see—was directed against that class of evasion of the law that would inure to the benefit of a postmaster and be at the expense of the Public Treasury.

Mr. KEAN. Yes; but, Mr. President, as I understand, this section is in regard to the conduct of the post-office, and not in regard to the weighing of the mails, or anything of that kind. Postmasters would not pad the mail at any time of the year except when the mails were being weighed.

Mr. HEYBURN. Mr. President, it is the postmaster who makes this determination. It is on the report of the postmaster as to the number of stamps canceled between certain dates upon which the status of the office is based. The weighing of the mail, as the term is ordinarily used, applies to the determination of the weight of the mail in bulk for the purpose of establishing a basis for contracts for carrying the mail; but the determination of the amount of business done in a post-office is made by the postmaster under existing law; and he reports at certain times, or between certain times, as to the amount of business that has been passed through his office.

Mr. KEAN. That is done on the annual receipts.

Mr. HEYBURN. It is done on the annual receipts for certain purposes, and for certain other purposes it is done upon periodical receipts. This statute is directed to both.

I will say that these changes were recommended to the Commission whose work the committee was investigating as a result of experience in the Post-Office Department. It is doubtful

if anyone other than those directly connected with the administration of the law in the Post-Office Department would be capable of sifting out, organizing, and arranging all of the necessary provisions of law requisite to meet the varying conditions they have to contend with. So the committee was very much disposed to accept suggestions coming from the administrative department of the Government in regard to these necessary details that are not of such general character that a man, however observant or intelligent he may be, would be capable of discovering and applying.

The Secretary resumed the reading of the bill, as follows:

SEC. 210. Whoever, being a postmaster or other person engaged in the postal service, shall collect and fail to account for the postage due upon any article of mail matter which he may deliver without having previously affixed and canceled the special stamp provided by law, or shall fail to affix such stamp, shall be fined not more than \$50.

SEC. 211. Whoever, being a postmaster or other person employed in any branch of the postal service, shall issue a money order without having previously received the money therefor shall be fined not more than \$500.

Mr. KEAN. May I ask whether that section has been changed?

Mr. HEYBURN. The only change made in that section is that the words "or other person employed in any branch of the postal service" are added to the provision "whoever, being a postmaster." Under existing law a number of subordinates in post-offices are authorized to issue this class of postal orders, etc., and the statute was not broad enough, without a very liberal construction by the court, to cover all persons who might commit this offense.

Mr. KEAN. Could a postmaster be convicted under that section if his clerk committed the offense?

Mr. HEYBURN. No; for it says:

Whoever, being a postmaster or other person employed in any branch of the postal service—

That covers all subordinates—

shall issue a money order without having previously received the money therefor shall be fined, etc.

Each of them stands upon his own responsibility, inasmuch as it must necessarily be an individual act that no one can perform for another.

Mr. KEAN. That means actual cash?

Mr. HEYBURN. The section says "issue a money order without having previously received the money therefor." The word "money" there, of course, would be held to include whatever might be lawfully received in the post-office in payment for a money order. There is an administrative law covering that.

The Secretary resumed the reading of the bill, as follows:

SEC. 212. [Every obscene, lewd, or lascivious book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed, adapted, or intended for preventing conception or producing abortion, or for any indecent or immoral use, and every article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for preventing conception or producing abortion, or for any indecent or immoral purpose, and every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information directly or indirectly, where, or how, or from whom, or by what means any of the hereinbefore-mentioned matters, articles, or things may be obtained or made, or where or by whom any act or operation of any kind for the procuring or producing of abortion will be done or performed, or how or by what means conception may be prevented or abortion produced, whether sealed or unsealed, and every letter, packet, or package, or other mail matter containing any filthy, vile, or indecent thing, device, or substance, and every paper, writing, advertisement, or representation that any article, instrument, substance, drug, medicine, or thing may, or can be, used or applied for preventing conception or producing abortion, or for any indecent or immoral purpose, and every description calculated to induce or incite a person to so use or apply any such article, instrument, substance, drug, medicine, or thing, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post-office or by any letter carrier. Whoever shall knowingly deposit, or cause to be deposited for mailing or delivery, anything declared by this section to be nonmailable, or shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.]

Mr. HEYBURN. Mr. President, I would say that that section is merely broadened in its scope as to the description of the articles, and I think no Senator would object to it being made as broad as language could make it. The purpose of the section is so evident that I need not say anything further about it.

The Secretary resumed the reading of the bill, as follows:

SEC. 213. All matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, or any postal card upon which, any delineations, epithets, terms, or language of an indecent, lewd, lascivious, obscene, libelous, scurrilous, defamatory, or threatening character, or calculated by the terms or manner or style of display and obviously intended to reflect injuriously upon the character or conduct of another, may be written or printed or otherwise impressed or apparent, are hereby declared non-mailable matter, and shall not be conveyed in the mails nor delivered from any post-office nor by any letter

carrier, and shall be withdrawn from the mails under such regulations as the Postmaster-General shall prescribe. Whoever shall knowingly deposit or cause to be deposited, for mailing or delivery, anything declared by this section to be nonmailable matter, or shall knowingly take the same or cause the same to be taken from the mails for the purpose of circulating or disposing of or aiding in the circulation or disposition of the same, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

SEC. 214. [No letter, postal card, or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no check, draft, bill, money, postal note, or money order, for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter-carrier. Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provision of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than \$1,000, or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.]

Mr. KEAN. I should like to ask the Senator from Idaho whether under that clause an invitation to play bridge whist would be excluded from the mails? [Laughter.]

Mr. HEYBURN. Mr. President, I am not acquainted with the game of bridge whist, and in the absence of any knowledge as to the nature of the game am not able to answer the Senator.

Mr. KEAN. That seems to be the great gambling game of the present day, and I thought it might perhaps be excluded.

Mr. HEYBURN. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES AND GERMANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Finance and ordered to be printed.

To the Senate and House of Representatives:

In my message to the Congress on December 3, 1907, I referred to the circumstances leading to the conclusion of a new temporary commercial agreement between the United States and Germany, and said: "The agreement and the report of the commission on which it is based will be laid before the Congress for its information."

"This careful examination into the tariff relations between the United States and Germany involved an inquiry into certain of our methods of administration which had been the cause of much complaint on the part of German exporters. In this inquiry I became satisfied that certain vicious and unjustifiable practices had grown up in our customs administration, notably the practice of determining values of imports upon detective reports never disclosed to the persons whose interests were affected. The use of detectives, though often necessary, tends toward abuse, and should be carefully guarded. Under our practice, as I found it to exist in this case, the abuse had become gross and discreditable. Under it, instead of seeking information as to the market value of merchandise from the well-known and respected members of the commercial community in the country of its production, secret statements were obtained from informers and discharged employees and business rivals, and upon this kind of secret evidence the values of imported goods were frequently raised and heavy penalties were frequently imposed upon importers who were never permitted to know what the evidence was and who never had an opportunity to meet it. It is quite probable that this system tended toward an increase of the duties collected upon imported goods, but I conceive it to be a violation of law to exact more duties than the law provides, just as it is a violation to admit goods upon the payment of less than the legal rate of duty. This practice was repugnant to the spirit of American law and to American sense of justice. In the judgment of the most competent experts of the Treasury Department and the Department of Commerce and Labor, it was wholly unnecessary for the due collection of the customs revenues, and the attempt to defend it merely illustrates the demoralization which naturally follows from a long-continued course of reliance upon such methods. I accordingly caused the regulations governing this branch of the customs service to be modified so that values are determined upon a hearing in which all the parties interested have an opportunity to be heard and to know the evidence against them. Moreover, our Treasury agents are accredited to the government of the country in which they seek information, and in Germany receive the assistance of the quasi-official chambers of commerce in determining the actual market value of goods in accordance with what I am advised to be the true construction of the law.

"These changes of regulations were adapted to the removal of such manifest abuses that I have not felt that they ought to be confined to our relations with Germany; and I have extended their operation to all other countries which have expressed a desire to enter into similar administrative relations."

For the information of the Congress, I transmit herewith the commercial agreement referred to, with its several annexes, and the report of the American Commission on which it is based.

One of the annexes to the agreement is a diplomatic note from the Secretary of State to the German ambassador at this capital, under date of May 2, 1907, reading as follows:

DEPARTMENT OF STATE, May 2, 1907.

EXCELLENCY: Referring to the commercial agreement concluded this day between this Government and the Imperial German Government, I have the honor to inform you that the President of the United States authorizes me to state that he will recommend to the Congress the enactment of an amendment of section 7 of the customs administrative act of June 10, 1890, as amended by section 32, act of July 24, 1897, so as to read as follows:

"SEC. 7. That the owner, consignee, or agent of any imported merchandise may, at the time when he shall make and verify his written entry of such merchandise, but not afterwards, make such addition in the entry to or such deductions from the cost or value given in the invoice, or pro forma invoice, or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise or lower the same to the actual market value or wholesale price of such merchandise at the time of exportation to the United States in the principal markets of the country from which the same has been imported; and the collector within whose district any merchandise may be imported or entered, whether the same has been actually purchased or procured otherwise than by purchase, shall cause the actual market value or wholesale price of such merchandise to be appraised; and if the appraised value of any article of imported merchandise subject to an ad valorem duty or to a duty based upon or regulated in any manner by the value thereof shall exceed the value declared in the entry by more than 10 per cent there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, an additional duty of 1 per cent of the total appraised value thereof for each 1 per cent in excess of 10 per cent that such appraised value exceeds the value declared in the entry, but the additional duties shall only apply to the particular article or articles in each invoice that are so undervalued, and shall not be imposed upon any article upon which the amount of duty imposed by law on account of the appraised value does not exceed the amount of duty that would be imposed if the appraised value did not exceed the entered value, and shall be limited to 25 per cent of the appraised value of such article or articles. Such additional duties shall be construed to be penal and within the purview of sections 5292 and 5293, Revised Statutes, and sections 17 and 18, act June 22, 1874, and further shall be remitted in cases arising from unintentional or manifest clerical error; but these duties shall not be refunded in case of exportation of the merchandise nor shall they be subject to the benefit of drawback: *Provided*, That if the appraised value of any merchandise shall exceed the value declared in the entry by more than 35 per cent, except when arising from an unintentional or a manifest clerical error, such entry shall be held to be presumptively fraudulent, and the collector of customs may seize such merchandise and proceed as in the case of forfeiture for violation of the customs laws; and in any legal proceeding that may result from such seizure the undervaluation as shown by the appraisal shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same, and forfeiture shall be adjudged unless he shall rebut such presumption of fraudulent intent by sufficient evidence. The forfeiture provided for in this section shall only apply to the particular article or articles which are undervalued: *Provided*, further, That all additional duties, penalties, or forfeitures applicable to merchandise entered by a duly certified invoice shall be alike applicable to merchandise entered by a pro forma invoice or statement in the form of an invoice. The duty shall not, however, be assessed in any case upon an amount less than the entered value."

Accept, Excellency, the renewed assurance of my highest consideration.

HIS EXCELLENCY BARON SPECK VON STERNBURG,
Imperial German Ambassador.

I also transmit a report of the Secretary of State, under date of January 9, 1908, explaining the purposes and scope of the proposed amendment of section 7 of the customs administrative act.

I earnestly recommend to the Congress the enactment into law of this amendment at an early date. Besides promoting harmonious relations between the contracting parties to the agreement in question, I regard the proposed legislation as a meritorious measure for the improvement of our customs administrative act, the provisions of which are applicable to importations from all countries alike.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 22, 1908.

EXECUTIVE SESSION.

MR. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 23, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 22, 1908.

UNITED STATES ATTORNEY.

Robert W. Breckons, of Hawaii, to be United States attorney for the Territory of Hawaii. A reappointment, his term having expired January 12, 1908.

UNITED STATES MARSHAL.

Eugene R. Hendry, of Hawaii, to be United States marshal for the Territory of Hawaii. A reappointment, his term expiring January 22, 1908.

ASSISTANT COMMISSIONER OF THE LAND OFFICE.

Samuel V. Proudfit, of Glenwood, Iowa, to be Assistant Commissioner of the General Land Office, vice Fred Dennett, appointed Commissioner.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 22, 1908.

ASSISTANT SECRETARY OF THE TREASURY.

Beekman Winthrop, of New York, to be Assistant Secretary of the Treasury.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Cadet Charles Frederic Seiter, of New York, to be third lieutenant in the Revenue-Cutter Service of the United States.

Cadet Fred Arthur Nichols, of New York, to be third lieutenant in the Revenue-Cutter Service of the United States.

POSTMASTERS.

CALIFORNIA.

Motley H. Flint to be postmaster at Los Angeles, Los Angeles County, Cal.

Samuel W. Metcalf to be postmaster at Sisson, Siskiyou County, Cal.

COLORADO.

George W. Miller to be postmaster at Hotchkiss, Delta County, Colo.

John C. Shull to be postmaster at Berthoud, Larimer County, Colo.

CONNECTICUT.

James E. Ballard to be postmaster at Darien, Fairfield County, Conn.

Sanford E. Chaffee to be postmaster at Derby, New Haven County, Conn.

George H. Ford to be postmaster at Waterville, New Haven County, Conn.

Charles Harris to be postmaster at Westport, Fairfield County, Conn.

FLORIDA.

George W. Duncan to be postmaster at Jasper, Hamilton County, Fla.

John M. Jolley to be postmaster at Daytona, in the county of Volusia and State of Florida.

Arthur C. Reid to be postmaster at Newberry, Alachua County, Fla.

HAWAII.

John H. Travis to be postmaster at Waipahu, Oahu County, Hawaii.

ILLINOIS.

August J. Beger to be postmaster at Nauvoo, Hancock County, Ill.

Benjamin W. Belsley to be postmaster at Roanoke, Woodford County, Ill.

Albert Bothfuhr to be postmaster at Grant Park, Kankakee County, Ill.

Tracy W. Buckingham to be postmaster at Potomac, Vermillion County, Ill.

Milton S. Fulton to be postmaster at Washburn, Woodford County, Ill.

David Herriott to be postmaster at Morgan Park, Cook County, Ill.

Joseph Lawton to be postmaster at Milledgeville, Carroll County, Ill.

Eugene L'Hote to be postmaster at Milford, Iroquois County, Ill.

John F. Newlin to be postmaster at Chrisman, Edgar County, Ill.

Wallace Revell to be postmaster at Stillman Valley, Ogle County, Ill.

William T. Robinson to be postmaster at Kenilworth, Cook County, Ill.

Howard E. White to be postmaster at Fairmount, Vermillion County, Ill.

William Wilson to be postmaster at Palatine, Cook County, Ill.

IOWA.

Caleb H. Wickersham to be postmaster at West Branch, Cedar County, Iowa.

KANSAS.

Anna Wood to be postmaster at Selden, Sheridan County, Kans.

George H. Leisenring to be postmaster at Ellis, Ellis County, Kans.

MAINE.

Rufus C. Reed to be postmaster at Damariscotta, Lincoln County, Me.

NEBRASKA.

Leander H. Jewett to be postmaster at Broken Bow, Custer County, Nebr.

NEW YORK.

Delano D. Cottrell to be postmaster at North Cohocton, Steuben County, N. Y.

Daniel L. Fethers to be postmaster at Sharon Springs, Schoharie County, N. Y.

Charles T. Knight to be postmaster at Monroe, Orange County, N. Y.

Hiram B. Odell to be postmaster at Newburgh, Orange County, N. Y.

William E. Sutfin to be postmaster at Freeville, Tompkins County, N. Y.

Henry P. Wilcox to be postmaster at Cohocton, Steuben County, N. Y.

NORTH DAKOTA.

Cecil H. Taylor to be postmaster at Garrison, McLean County, N. Dak.

PENNSYLVANIA.

James G. Cook to be postmaster at New Alexandria, Westmoreland County, Pa.

S. P. Ekas to be postmaster at Natrona, Allegheny County, Pa.

Roger A. McCall to be postmaster at Trafford City, Westmoreland County, Pa.

SOUTH DAKOTA.

Arthur E. Dann to be postmaster at Centerville, Turner County, S. Dak.

UTAH.

Lars O. Lawrence to be postmaster at Spanish Fork, Utah County, Utah.

John Peters to be postmaster at American Fork, Utah County, Utah.

WASHINGTON.

William M. Isenhardt to be postmaster at Chelan, Chelan County, Wash.

WEST VIRGINIA.

H. P. Graham to be postmaster at Keystone, McDowell County, W. Va.

HOUSE OF REPRESENTATIVES.

• WEDNESDAY, January 22, 1908.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its secretaries, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3660. An act to establish a light and fog signal on the outer end of the breakwater, San Pedro, Cal.;

S. 3661. An act to establish a light and fog signal at or near Punta Gorda, in the State of California;

S. 3153. An act to make Monterey and Port Harford, in the State of California, supports of entry, and for other purposes;

S. 2580. An act for the relief of B. Jackman;

S. 24. An act to increase the efficiency of the personnel of the Revenue-Cutter Service;

S. 1046. An act to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property; and

S. 3409. An act to extend the time of payments on certain homestead entries in Oklahoma.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 12412. An act to authorize the Missouri and North Arkansas Railroad Company to construct a bridge across Cache River, in Woodruff County, Ark.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3660. An act to establish a light and fog signal on the outer end of the breakwater, San Pedro, Cal.—to the Committee on Interstate and Foreign Commerce.

S. 3661. An act to establish a light and fog signal at or near Punta Gorda, in the State of California—to the Committee on Interstate and Foreign Commerce.

S. 3153. An act to make Monterey and Port Harford, in the State of California, supports of entry, and for other purposes—to the Committee on Ways and Means.

S. 2580. An act for the relief of B. Jackman—to the Committee on Claims.

S. 24. An act to increase the efficiency of the personnel of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

S. 1046. An act to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property—to the Committee on Interstate and Foreign Commerce.

S. 3409. An act to extend the time of payments on certain homestead entries in Oklahoma—to the Committee on the Public Lands.

UNITED STATES COURTS, SALISBURY, N. C.

Mr. WEBB. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 456) to provide for the holding of United States district and circuit courts at Salisbury, N. C., with House amendments thereto.

The bill was read, as follows:

Be it enacted, etc., That two terms of the district and circuit courts of the United States for the western district of North Carolina shall be held in each and every year in the town of Salisbury, N. C., beginning, respectively, on the fourth Monday in April and October, to continue till the business is disposed of.

SEC. 2. That the clerk of the United States district and circuit courts at Statesville, N. C., shall be the clerk of the United States circuit and district courts at Salisbury, and he shall appoint a deputy clerk of said court, to reside at Salisbury, with the usual power of a deputy clerk in such cases, whose compensation shall be such proportion of the fees accruing from business done in said courts at Salisbury as shall be fixed by the judge of said court; and his actual traveling expenses and maintenance during his attendance upon the said court to be paid by the marshal of the district.

With the following committee amendment:

Strike out all after the word "Salisbury," in line 10, page 1.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I should like to ask the gentleman whether there is any Federal court-house in Salisbury, any place to hold this court?

Mr. WEBB. There is a Federal building. Court has been held in Salisbury for a hundred years.

Mr. PAYNE. What change does this make in the law?

Mr. WEBB. Just the sitting of the court there; that is all.

Mr. PAYNE. Simply changing the time?

Mr. WEBB. Just the sitting of the court.

The SPEAKER. Is there objection?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. WEBB, a motion to reconsider the last vote was laid on the table.

LABOR TROUBLES AT GOLDFIELD, NEV.

Mr. GARDNER of New Jersey. Mr. Speaker, I call up the following privileged resolution, reported by the Committee on Labor.

The SPEAKER. The gentleman from New Jersey calls up the following privileged report from the Committee on Labor, which the Clerk will read.

The Clerk read the resolution, amended to read as follows:

Resolved, That the President be requested to transmit to the House of Representatives, if not incompatible with the interests of the public service, a copy of the report made to him by the special commission, composed of Lawrence O. Murray, Herbert Knox Smith, and Charles P. Nell, sent by him to Goldfield, Nev., for the purpose of investigating the labor troubles in that district and to make a report concerning the same; and also such other papers relating thereto as in his judgment are material and for the better information of the House.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The resolution as amended was agreed to.

THE CRIMINAL CODE.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11701) the penal code bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the penal code bill, with Mr. CURRIER in the chair.

The CHAIRMAN. When the committee rose on yesterday the pending question was an amendment offered by the gentleman from Tennessee [Mr. GAINES].

Mr. OLLIE M. JAMES. Mr. Chairman, I desire to offer a substitute for the amendment offered by the gentleman from Tennessee.

Mr. PAYNE. I raise the point of order that the committee

was dividing on the amendment, when the point of no quorum present was raised, and the thing now in order is a vote.

The CHAIRMAN. The point of the gentleman from New York is well taken.

Mr. GAINES of Tennessee. I ask unanimous consent that the substitute be accepted for the proposition that I offered yesterday.

Mr. PAYNE. Regular order!

The CHAIRMAN. The regular order is demanded.

Mr. GAINES of Tennessee. All right.

The question being taken on the amendment of Mr. GAINES of Tennessee, it was rejected.

Mr. OLLIE M. JAMES. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert the following:

"Whoever, being an officer or employee of the United States, and whose duties require the compilation or report of statistics or information relative to the products of the soil, shall knowingly compile for issuance or issue any false statistics or information as a report of the United States shall be fined not more than \$5,000 and imprisoned not more than five years."

The CHAIRMAN. May the Chair inquire of the gentleman from Kentucky if this amendment adds a new section?

Mr. OLLIE M. JAMES. A new section, to follow the one just read.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. OLLIE M. JAMES. Mr. Chairman, on yesterday we legislated by way of amendment to this bill a provision which provided that if any person should give out information compiled by the Agricultural Bureau relative to the agricultural products he should be guilty and fined or imprisoned as provided therein. Now, of what value is that going to be if you allow a monopoly or trust or some combination to buy up an official and get that official who compiles these figures to make a false compilation and that false compilation is issued to the farmers of the country, for instance, that the production of cotton is greater than ever before, or that the production of tobacco is greater than ever before, or that the production of wheat is greater than ever before? Now, you provide that a man who gives out that information shall be fined and imprisoned, but you nowhere have a provision that if a man falsely compiles such information he shall be imprisoned and fined.

This is no political question, and I appeal to my friends across the aisle that you who represent the farmers do not desire to vote upon this floor that the trusts of the country may buy up some employees and get a false report issued, as was issued upon the tobacco crop two years ago. [Applause.] The Agricultural Department issued a statement saying that the production of tobacco would be greater that year than any preceding year by 25 to 30 per cent. The tobacco trust at once sent its agents throughout the country and they said to the farmers, "You want to sell your tobacco; you are pooling your tobacco and holding it back for a better price, but you don't want to do it." The farmer said, "Why not?" They said, "Look at the report of the Agricultural Department compiled by your officials which states that the production of tobacco will be greater than ever before. Tobacco will go down in price." What was the result? The farmers of my section of the State sold their tobacco, believing that report to be true, and the trust profited by that false information to the extent of many thousands of dollars, and the farmers, who love their country in peace and defend it in war, are in this way robbed of the product of their toil. [Applause.]

Now, Mr. Chairman, the man who gets the advance information of the statistics relative to the production of cotton, corn, or wheat can go and play the market. He is benefited by having advance information, but the man who compiles false information and sends out false statistics affects the price of the article that is grown from the earth. You call this an agricultural department. Is it to be an agricultural department or is it to be a department to be manipulated by a lot of gamblers and thieves that prey upon the farmers of the country? [Applause.]

Mr. MANN. Will the gentleman yield for a question?

Mr. OLLIE M. JAMES. Certainly.

Mr. MANN. Is it the understanding of the gentleman from Kentucky that an officer or any official in the Agricultural Department should, for a compensation, issue or compile false statistics that there is no penalty against him?

Mr. OLLIE M. JAMES. There is absolutely none.

Mr. MANN. If the gentleman were correct in his supposition, the gentleman's amendment certainly would be very desirable—not only for the Agricultural Department, but for other Departments. But if the gentleman will look at section 119 of this bill,

which we have just passed over and which is existing law, he will discover that there is a penalty.

Mr. OLLIE M. JAMES. There is no such penalty as the gentleman seems to assert to the House. The chairman of the committee, the gentleman from Pennsylvania [Mr. MOON], admitted as much to me, and the gentleman from Indiana [Mr. CRUMPACKER] asserted it yesterday.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MANN. I ask unanimous consent that the gentleman from Kentucky have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that the time of the gentleman from Kentucky be extended five minutes. Is there objection?

There was no objection.

Mr. OLLIE M. JAMES. I say that if you have any such law as that, you had better put it in force. You had an opportunity to put it in force two years ago.

Mr. MANN. That is another matter, but the gentleman must not get led off. I will agree with the gentleman from Kentucky that the law ought to be enforced if there is a reason for it; nobody questions that. But certainly the law does cover any corrupt miscalculations of figures for any consideration, as the gentleman was charging would be the case.

Mr. OLLIE M. JAMES. I say we have no law which covers the provisions attempted to be covered by this new section, which provides that if any official or clerk in the Department falsely compiles or knowingly issues a false statement, whether for money or not, he shall be punished.

Mr. MANN. Ah, but that is where the gentleman is mistaken. If he does it for money, the law does make it a penalty.

Mr. OLLIE M. JAMES. Would not the gentleman make it as much a penalty if he falsely and willfully does it without money?

Mr. MANN. I was trying to see whether the gentleman was acting on the proposition which I understood him to state—that there was no penalty where a man accepted money for miscalculating these reports.

Mr. OLLIE M. JAMES. I say we have no such penalty as that to start on, and I say the second proposition the gentleman admits himself, that this penalty covers a species of offense—

Mr. MANN. Oh, I admit nothing.

Mr. OLLIE M. JAMES. The gentleman usually admits nothing.

Mr. MANN. The gentleman does not admit things when it is not necessary. I do not desire to be led away from the proposition of the gentleman, which was that there was no penalty provided where a man corruptly, for a consideration, made erroneous figures, while as a matter of fact section 119, which is the existing law, expressly provides a severe penalty for that thing.

Mr. OLLIE M. JAMES. But the gentleman admits, however, that there is no provision if he corruptly and falsely does it and does it for the purpose of affecting the market—that there is no penalty that embraces that offense, when he does it without consideration. Suppose nobody paid him. Suppose he had some friend in the market whom he wanted to help, and suppose he gave information to people of that kind that these false figures would be forthcoming, and suppose those people played the market, and suppose the trust buys the products of the farm knowing the figures to be false, the country and the farmer have been hurt just as much as if this man had received pay for that. I say that the gentleman from Illinois [Mr. MANN], notwithstanding the fact that he does not represent an agricultural district, can see the fairness of this amendment and the need of such an amendment as this to the law. I say if this is to be called an Agricultural Department, if it is for the benefit of the agricultural people, let us surround it with every safeguard, let us throw about it every sort of element that we can which will make it true and accurate. If not, then let us do away with it. What is the use of it to the farmers of the country? If this information shall be pretendedly for them and designed for their benefit, let it be truthful, absolutely reliable. If we are to not so surround this Department, then let us destroy it altogether and have no report at all. But if we are to have one, let us have one that somebody can rely on; that the agricultural people will know is accurate, if it is for their benefit, and which is not for the manipulation of some men who want to go on the market and play it for their own gain. [Applause on the Democratic side.]

Mr. GAINES of Tennessee. Mr. Chairman, I desire to be recognized for a minute or two. I will say to the gentleman from Illinois [Mr. MANN], if I can get his attention, that there is no law covering the case of corrupt calculations, or erroneous calculations, willfully issued. If the gentleman will turn to

the RECORD of yesterday he will find what the learned lawyer from Philadelphia who is in charge of this bill says, the gentleman from Pennsylvania [Mr. MOON].

Mr. MANN. Oh, I have no controversy with the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. I know the gentleman has not, and he does not want to have.

Mr. MANN. The gentleman from Kentucky [Mr. OLLIE M. JAMES] was making a statement in support of his proposition which was erroneous, and I called his attention to the error of his statement.

Mr. OLLIE M. JAMES. Mr. Chairman, I challenge that statement that my statement was erroneous, and I call upon the gentleman to read the section that he refers to, and if he does so I am sure it will demonstrate that he is in error, and not myself.

Mr. MANN. The gentleman from Tennessee [Mr. GAINES] will not claim, I trust, that if an official in the Agricultural Department is purchased by the trust that the gentleman from Kentucky [Mr. OLLIE M. JAMES] referred to, and thereby makes false reports, that there is no offense under the law.

Mr. GAINES of Tennessee. I take it that there is a law possibly covering it.

Mr. MANN. Possibly covering it. Why, there is section 119, which absolutely covers it. I will admit to the gentleman from Tennessee—

Mr. GAINES of Tennessee. But that is not exactly this case.

Mr. MANN. I do not think that is the case that the gentleman from Tennessee [Mr. GAINES] sought to cover by his amendment, or that the gentleman from Kentucky [Mr. OLLIE M. JAMES] sought to cover by his amendment; but the language used by the gentleman from Kentucky went away beyond the amendment he was offering, and I was seeking to correct him so that he would not have in the RECORD statements which were erroneous, when I am sure he does not desire that.

Mr. GAINES of Tennessee. I am sure he does not desire that. I think I can clear the atmosphere a little. The gentleman from Illinois [Mr. MANN] is seeking information, just as I seek it sometimes from him, and I hope the committee will give me attention while I read the words of the gentleman from Pennsylvania [Mr. MOON], who is in charge of the bill.

Mr. GAINES of Tennessee. Now, he says this amendment is a new proposition, and it is a new proposition. It strikes at no criminal offense known to the law, but makes a crime of a certain evil.

Mr. MOON of Pennsylvania. Will the gentleman—

Mr. GAINES of Tennessee. I will read what you said in a minute; just wait.

Mr. MOON of Pennsylvania. The gentleman from Pennsylvania in that statement had reference to that which was covered by the new section sought to be introduced by the gentleman from Tennessee.

Mr. GAINES of Tennessee. I understand; but the only difference is in language. The effect of the two propositions is the same, so far as making the doing of the wrong a penal offense.

Mr. MOON of Pennsylvania. I want the gentleman from Tennessee to understand the remarks of the gentleman from Pennsylvania had reference to his amendment and not to the one now pending.

Mr. GAINES of Tennessee. The two amendments are substantially the same. You gentlemen can turn to the RECORD of yesterday, page 949, and read my amendment, and then read what the gentleman from Pennsylvania said about there being no law on the subject. Now, I will read the words of the gentleman:

Mr. MOON of Pennsylvania. Mr. Chairman, I say nothing about the necessity or importance of this kind of legislation. I say only it has no place in this bill for reasons heretofore stated.

Now, then—

It brings in another class of persons for another thing not denounced as a crime, something that Congress has never legislated upon.

Mr. MOON of Pennsylvania. True.

Mr. GAINES of Tennessee. "For that reason, and that reason only, I hope it will be voted down," said the gentleman. Now, he knows what the law is. I know there is no such law covering such cases, and, if so, I know that Secretary James Wilson would have prosecuted the people who made and published that corrupt statement two years ago that outraged the tobacco growers throughout the United States. There was no law then, there is no law now; yet, Mr. Chairman, in the Agricultural Department these erroneous statements were made and they were published and Secretary Wilson sent them out to the people of this country as a correct statement, and inside of about ten days or two weeks he sent out another saying they

were erroneous. He went on to explain the matter to me afterwards, when I came here, and said that a poor little woman in his Department had made this expert statement. The three men who had been hired, and whom the law required to make the statement, had skulked from their duties and had sent out in the Department somewhere and brought in this unoffending little woman who had not been engaged in that kind of work and had her compile this statement, and Secretary Wilson corrected it as soon as he could.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, give me three minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to speak for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, I am not a tobacco raiser; I never raised tobacco in my life and I am not interested in it directly. All on earth I want is, that not only the tobacco grower be protected, but the wheat grower and the corn grower and the men who raise agricultural products throughout the country and upon which the great Agricultural Department of this country operates in making these statements. The making of a false statement such as I have discussed and the sending of it out to the country is an outrage upon the people of this country and there ought to be a law making that a crime. I ask the committee seriously and with the profoundest respect for your love of country and for your farmers to adopt these four or five little words here and give the farmers of our land a protection which they have not now under the law, as the chairman in charge of this bill admits. [Applause.]

Mr. PAYNE. Mr. Chairman, this amendment is a fair illustration of the sort of paternalism which seems to have taken possession of our friends across the aisle. Now, this whole thing is wrong. They have no business to ask the Government to get the statistics and publish them and furnish them for the sake of aiding anybody speculating in the products of the soil—

Mr. GAINES of Tennessee. But does not the gentleman from New York think they should be correct when they are sent out?

Mr. PAYNE. It does not make any difference whether it is for a class who compose more than half the people of the United States, namely, the farmers, or the speculators. Speculation is wrong. It injures people. It enables some to get undue advantage and obtain something for nothing. What I object to is that the Government is asked to come in in a paternal sort of way—

Mr. GAINES of Tennessee. Will the gentleman yield a moment?

Mr. PAYNE. And get the statistics to enable them to carry on their speculation.

Mr. GAINES of Tennessee. Will the gentleman yield for a moment?

Mr. PAYNE. I suppose I will have to do so, and I do it most gracefully.

Mr. GAINES of Tennessee. Does the gentleman think the Government of the United States should issue a statement that was untrue and destroy the tobacco growers, the corn growers, and wheat growers of the country? They are not speculators. They are honest men.

Mr. PAYNE. I understand the great complaint is that a couple of ladies in the Department made a mistake in the computation, and that computation went out to the world, and some people sold their tobacco at a less price than they would have gotten if the computation had been true. What do you propose to do? Do you propose to send those women, whom some one says are old women, to the penitentiary for five years and have them fined \$5,000? Do you propose to prosecute them and require them to defend themselves in court? It shows the utter impracticability of the whole scheme. If the Government obtains this information they should publish it as fast as they get it.

Mr. GAINES of Tennessee. That is not the law.

Mr. PAYNE. And it should be accessible to all the people.

Mr. CLARK of Missouri. Mr. Chairman—

The CHAIRMAN. Does the gentleman from New York [Mr. PAYNE] yield to the gentleman from Missouri [Mr. CLARK]?

Mr. PAYNE. I have only two minutes.

Mr. CLARK of Missouri. I will get the gentleman some more time.

Mr. PAYNE. I dislike to take the time of the House.

Mr. CLARK of Missouri. It is a fact that the Department of Agriculture does undertake to publish statistics, is it not?

Mr. PAYNE. Certainly.

Mr. CLARK of Missouri. And if they do publish them, they ought to be correct, ought they not?

Mr. PAYNE. Certainly.

Mr. CLARK of Missouri. And if any fellow sends out false information he ought to be punished for it?

Mr. PAYNE. That is another question. That is where you get into the realm of publishing everything for the purpose of enabling people to speculate. And you are not content to have the information come in from day to day, but you want the statistics gathered so that they can come in in one lump, and if there is a great shortage in the crop shown in that publication everybody on this floor and everywhere else knows that instead of the price going up normally, to correspond with the shortage of the crop, it goes up by leaps and bounds and with five or six times the addition that would naturally come to it; but if you had them published from day to day as the statistics came in it would be a natural, normal movement in the price instead of this great advance to the detriment of the people of the country.

Mr. CLARK of Missouri. But that is not the question. The question is, if they publish statistics ought they not to be honest statistics?

Mr. PAYNE. I am simply illustrating the folly of you gentlemen on the other side striving to make this Government entirely a paternal Government to watch over the interests of particular classes in this country, or the different people in this country. And you find this difficulty at every point. You must bind somebody by \$5,000 fine and five years' imprisonment in order to carry out your paternalistic ideas.

Mr. OLLIE M. JAMES. Mr. Chairman—

The CHAIRMAN. To whom does the gentleman from New York [Mr. PAYNE] yield?

Mr. PAYNE. I have not yielded to anybody.

Mr. OLLIE M. JAMES. The gentleman from New York [Mr. PAYNE] proceeds upon false premises. He proceeds on the idea that this amendment is for the purpose of gathering information. I would call the gentleman's attention to the fact that his party is the party that put into effect the gathering of the information. Now, the purpose of this amendment is to make it true.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11701, and had come to no resolution thereon.

URGENT DEFICIENCY BILL.

Mr. TAWNEY, from the Committee on Appropriations, reported the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, which was referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FITZGERALD. I reserve all points of order, Mr. Speaker.

Mr. TAWNEY. Mr. Speaker, I desire to give notice that I will call the bill up for consideration to-morrow morning after the reading of the Journal.

PERMANENT AND INDEFINITE APPROPRIATIONS.

Mr. BRICK. Mr. Speaker, by direction of the Committee on Appropriations, I make a privileged report and ask for its immediate consideration.

The Clerk read as follows:

Resolution 180.

Resolved, That the Secretary of the Treasury is hereby requested to furnish for the use of the House the following information:

First. Statement of appropriations for permanent specific and indefinite objects, giving titles and dates of acts of appropriations and references to statutes.

Second. Statement of appropriations for permanent specific and indefinite objects proposed to be repealed by H. R. 14656, Sixtieth Congress, first session, and the expenditures therefrom during the fiscal years 1906 and 1907.

Third. Statement of appropriations for permanent specific and indefinite objects not repealed by H. R. 14656, Sixtieth Congress, first session, and the expenditures therefrom during the fiscal years 1906 and 1907.

Fourth. Whether in his opinion said H. R. 14656 should be enacted, with or without amendment.

Mr. MANN. I make the point of order on the matter of asking the opinion of the Secretary of the Treasury as to whether a bill ought to be passed or not. I do not think that is a privileged matter, Mr. Speaker. I do not think it is a privileged matter to ask a Department whether Congress ought to pass a particular bill.

Mr. TAWNEY. I will say that I think the point made by the gentleman from Illinois is well taken, but it has been the practice for several years to pass resolutions of this character

asking for such information, and the Secretary of the Treasury has invariably complied with the request.

The SPEAKER. Does the gentleman ask unanimous consent for the present consideration of the resolution?

Mr. BRICK. I do.

Mr. UNDERWOOD. Reserving the right to object, I would like to have the gentleman from Indiana explain to the House what the bill is that this resolution asks the opinion of the Secretary of the Treasury on.

Mr. BRICK. It is the bill (H. R. 14656) pending before the Committee on Appropriations, for the repeal of certain permanent appropriations.

Mr. UNDERWOOD. I would like to ask the gentleman to have the bill read, so that the House may know what it is. There is no information given in the resolution as to what is in the bill.

Mr. BRICK. I think I can explain it without having to take considerable time. This resolution simply asks for information from the Department that shall go before the Committee on Appropriations in the consideration of this bill 14656, to come later on.

Mr. UNDERWOOD. Your resolution asks the opinion of an executive officer. I do not think that the membership of the House wants the opinion; but we certainly do want to know on what that opinion is asked; and I must insist on the bill being read before the request for unanimous request is granted.

Mr. BRICK. Very well; I will ask that the bill to which the resolution refers be read to the House.

The Clerk read as follows:

A bill (H. R. 14656) to repeal certain laws relating to permanent and indefinite appropriations.

Be it enacted, etc., That all laws heretofore made whereby definite or indefinite sums of money have been permanently appropriated from the General Treasury for specific or general objects, except so far as they provide appropriations for sinking fund, for payment of interest, premium, or principal of the public debt, or of bonds known as the 3.65 bonds of the District of Columbia, for expenses of the Smithsonian Institution (interest on trust fund); for refunding taxes illegally collected, and for payment of allowances of drawback under the internal-revenue laws; for payment to importers excess of deposits; for payment of debentures or drawbacks, bounties, and allowances; for payment of debentures and other charges, and for refunding proceeds of unclaimed merchandise under the customs-revenue laws, and for all other refunds; for the police and firemen's relief funds of the District of Columbia, created by the act of February 25, 1885; for the support of the Soldiers' Home; Indian trust funds deposited as provided by the act entitled "An act to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment," approved April 1, 1880, and under other acts, and for the Navy pension fund, and for all other trust funds, be, and the same are hereby, repealed to take effect from and after June 30, 1909: *Provided*, That payment of all liabilities legally incurred in the fiscal year 1909 under any of the appropriations affected by this act may be made therefrom until the close of the fiscal year 1911, at which date all balances of said appropriations then remaining unexpended shall be carried to the surplus fund.

Sec. 2. That all appropriations hereafter made shall remain available for two years for the payment of expenditures properly incurred within the time for which they are appropriated, at the expiration of which period all appropriations or balances of appropriations which shall have been upon the books of the Treasury for said period of two years shall be carried to the surplus fund, and the limitations herein placed upon expenditures shall apply to all appropriations now upon the books of the Treasury: *Provided*, That this provision shall not apply to permanent specific appropriations not repealed by this act, to appropriations for rivers and harbors, light-houses, fortifications, public buildings, the pay of the Navy and Marine Corps, and for construction of ships of the Navy.

Sec. 3. That it shall be the duty of the heads of the several Departments of the Government to include in their annual estimates to Congress estimates of the amounts required for expenditures under appropriations affected by this act for the service of the fiscal year 1910 and annually thereafter.

Sec. 4. That all laws or parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. UNDERWOOD. Now, I would like to ask the gentleman from Indiana as to what portion of this bill the opinion of the Secretary is asked and the necessity for the opinion.

Mr. BRICK. The opinion is asked as to that which we intend to repeal; or that which the bill proposes to repeal; but, as a matter of fact, we want all the information that the Secretary of the Treasury can give us upon the whole bill.

Mr. UNDERWOOD. You ask him an opinion as to whether it is legal to repeal, constitutional, or advisable?

Mr. FITZGERALD. Will the gentleman yield to me?

Mr. BRICK. Certainly.

Mr. FITZGERALD. Personally I do not care much about the request for the opinion of the Secretary of the Treasury. Different Secretaries of the Treasury have at different times recommended that certain laws providing for permanent and indefinite appropriations for different objects be repealed, and it is believed that it would be of service to the committee in the consideration of the bill proposing to repeal some of these laws if the Secretary of the Treasury would set forth in a document

giving the facts the reasons that had urged different Secretaries to recommend the repeal of these specific appropriations.

Mr. UNDERWOOD. I would like to ask the gentleman if this is to repeal the law for the regular annual permanent appropriations and this is a new law providing that all appropriations shall be made by Congress for certain specific purposes and shall remain in the Treasury subject to check?

Mr. FITZGERALD. I think the gentleman is aware that there are a number of laws under which annually money is appropriated for certain services without being passed on by Congress. It is believed advisable that some of these laws should be repealed and that Congress should every year appropriate money for the particular service now covered in these permanent laws. It would be impossible in the ordinary transaction of the business of the Government to repeal all laws providing for the permanent appropriations, but it is believed that some of them can be repealed with benefit to the country and with some advantage to this House. The object of this amendment is to obtain from the Secretary of the Treasury, first, a statement of all of the laws providing for permanent, indefinite, or definite appropriations, the amounts that are expended under those acts, and his opinion as to whether they should be repealed, so that Congress may make specific appropriations.

Mr. UNDERWOOD. Is this the unanimous report of the committee?

Mr. FITZGERALD. The report on this resolution is unanimous, because it is believed by the committee that the information will be of great benefit to it.

Mr. CRUMPACKER. I should like to make an inquiry of the gentleman in charge of the bill. According to my interpretation of the bill it would repeal the permanent appropriation for the Naturalization Bureau. It would repeal the \$3,000,000 permanently appropriated for the enforcement of the meat-inspection law, would it not?

Mr. TAWNEY. I do not know that it would.

Mr. CRUMPACKER. I think clearly it would.

Mr. TAWNEY. I will say that the bill is not before the House. The bill was read to the House simply for information, to show the scope of the subject upon which the opinion of the Secretary of the Treasury was asked.

Mr. CRUMPACKER. I ask these questions because—

Mr. TAWNEY. I want to say this: We are expending annually about \$150,000,000 under the authority of these permanent appropriations. Concerning the service paid for out of these appropriations Congress knows nothing whatever, except in so far as we may gain information from the annual reports of the heads of the Departments having charge of the expenditure of these appropriations. It has been repeatedly urged that many of these appropriations be repealed. Take, for example, the appropriation for the collection of the customs. That appropriation was enacted many years ago, permanently appropriating \$5,500,000 for the collection of the customs. Today we are expending almost \$10,000,000 in the collection of the customs. Now half of it is expended under a permanent appropriation and the other half is expended under an annual deficiency appropriation. As to that amount, whether expended under the annual deficiency appropriation or under the permanent appropriation, there is no information given to the House as to the details of it, as would be done if Congress appropriated from year to year. Now, the Secretary of the Treasury having the administration of these expenditures under permanent appropriations, it is simply for the purpose of ascertaining what his judgment is regarding the advisability of repealing all or any of them. The Committee on Appropriations desires that information in connection with the consideration of the bill before the committee.

Mr. CRUMPACKER. Mr. Speaker, I agree with the gentleman in the view that Congress ought to make the appropriations necessary to run the Government, as far as they can be made. I only asked the question for the purpose of bringing to the attention of the House the broad scope and important character of this bill. I will not make any objection to the consideration of the resolution. The committee and the House ought to have the information. I do not believe the resolution ought to call for the opinion of the Secretary of the Treasury. If it were not such an important matter I should object to it upon that ground; but he is not compelled to give his opinion. The House ought to have the information, in order to guide its action, and therefore I make no objection to the consideration of the resolution.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

On motion of Mr. BRICK, a motion to reconsider the last vote was laid on the table

THE CRIMINAL CODE.

On motion of Mr. MOON of Pennsylvania, the House again resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the penal code bill (H. R. 11701), with Mr. CURRIER in the chair.

Mr. MOON of Pennsylvania. Mr. Chairman, respecting the pending amendment, I do not care to add anything to what was said by me yesterday. I understand the pending amendment embodies essentially the same principles as the amendment or new section proposed yesterday by the gentleman from Tennessee.

Mr. SHERLEY. Mr. Chairman, I desire to add a word only, in order that the committee may understand the situation. It has been suggested by the gentleman from Illinois that there is a law that now punishes the acceptance of a bribe by a public official for the sake of influencing his action. Section 119 does cover the case where an official is bribed to take a given course or a false position in regard to any of his duties, and it would cover the case of an official who accepted a bribe and then made a false report in regard to crop statistics. The amendment adopted by the committee yesterday, covering the point raised by the gentleman from Texas [Mr. BURLESON], applies to what might be called the leaking of information prior to the time appointed for its being made public. The amendment offered by the gentleman from Kentucky [Mr. OLLIE M. JAMES] punishes the knowingly issuing of a false statement in regard to these statistics, without regard to whether that knowingly false statement is the result of a bribe or not. In other words, it can and will cover a class of cases which are not now covered. For instance, if a man in charge of the gathering and publishing of these statistics knowingly makes a false statement for purposes of his own, even where there has been no bribery of him, there would now be no law to punish him. Under this act there would be.

I simply desired to bring the matter to the attention of the committee, that they might understand just what was involved.

Mr. MANN. Mr. Chairman, I fully sympathize with my friend from Tennessee [Mr. GAINES] and my friend from Kentucky [Mr. OLLIE M. JAMES] in reference to this matter. The law now provides that if for any ulterior motive, practically, if for anything coming to the party, one of the persons in the Agricultural Department, for instance, miscalculates, it is a penal offense. This proposition is to punish them where there is no reason for miscalculation.

Mr. SHERLEY. If the gentleman from Illinois will bear with me, I do not think that that statement quite meets the situation.

Mr. MANN. If the gentleman from Kentucky will pardon me, I will elucidate it further. It is true that somebody in the Agricultural Department might have a friend that he desired to benefit and might issue erroneous figures without any possible benefit coming to the person who issued them, in which case there is no punishment provided. But what I hope will be safeguarded is this: Everybody who uses figures makes mistakes.

Mr. GAINES of Tennessee. But this says "knowingly."

Mr. MANN. The gentleman from Tennessee presented an amendment yesterday, and the gentleman from Kentucky presents a substitute to-day which no one of us has had a chance to see. The other gentleman from Kentucky [Mr. SHERLEY] just now, referring to the amendment, said "knowingly issues the figures." Of course the figures are "knowingly issued;" the question is whether they are issued knowing them to be false.

Mr. SHERLEY. If the gentleman will permit me, the section does say that he shall knowingly issue false certificates, and "knowingly" applies to the falsity and his knowledge of the falsity, and properly hedges the matter around.

Mr. MANN. Well, it may be of some benefit to some gentleman to insert it in the law, but it amounts to nothing, because if you have to prove that a man or woman in the Department knew that they were miscalculating the figures, that is beyond proof.

Mr. GAINES of Tennessee. Suppose her boss made her issue them; suppose some man down there said: "You have got to do it, or I will discharge you."

Mr. MANN. She would not be the one who issued the figures; the penalty would be imposed upon her boss, and you could not prove that he knew it.

Mr. GAINES of Tennessee. In that case I would put him in the penitentiary, and—

Mr. MANN. Oh, the gentleman would not convict a woman no matter what she did; he knows it. [Laughter.] All they would have to do in a case of this kind would be to have the woman make up the figures, and if the gentleman from Tennessee was on the bench or in the jury box, there would be no conviction. [Laughter.] The only objection I make to this sort of proposition is that without being duly considered, without

passing the scrutiny of a committee that has a chance to see it in type, we can not appreciate the force of it. It may be that the distinguished gentleman from Tennessee is able to tell what a thing is by hearing it read, but, as far as I am concerned, I can never tell what the scope of an amendment is until I see it in black and white, in print.

Mr. GAINES of Tennessee. There it is, the gentleman has it in his hand. Will not the gentleman read it in the hearing of the House?

Mr. MANN. I would be very glad to read it, because it is well written, if it would be of any benefit to the gentleman from Tennessee. Otherwise I was going to yield the floor.

Whoever, being an officer or employee of the United States and whose duty requires the compilation or report of statistics for information relative to the products of the soil, shall knowingly compile for issuance or issue any false statistics or information as a report of the United States shall be fined not more than \$5,000 and imprisoned not more than five years.

It is precisely as I stated. Under this there is a penalty against the Secretary of Agriculture who knowingly issues figures which prove to be false. It does not require that he shall know them to be false. Of course I do not apprehend that a jury would convict him or that a judge would sentence him, but there are close cases at times where the Government seeks to prosecute officials. The present Administration, in my judgment, at different times, has sought not to prosecute but to persecute certain people. I do not wish to put in the control of any government the power under a technical plea to persecute an official, unless it be necessary, and I don't think it is ever necessary.

Mr. KÜSTERMANN. Mr. Chairman, this seems to be another case of the lawyers not agreeing. They are again at variance as to the correct interpretation of the law, and it seems to me that it would be far better if these laws, as well as all other laws of the United States and of the States, were written in such plain and concise form that even the common people would understand them. It would then not be necessary to go to a lawyer to get an interpretation of the law, and find that he did not agree with some other lawyer. [Laughter.] Why, the laws are made for the people, to tell them what to do and what not to do, and to inform them what punishment awaits them if they do not conform to the law. For this reason the laws ought to be so framed as to be easily understood by everyone. We could have profited by the example set by Germany in framing their civil code, a book so plainly written that everyone who can read a third reader can understand what the law means. A number of judges worked on that code for years, and when finally published, the laws were plain and understood by all. Those laws complete can be bought for 19 cents a volume, and when people are at outs about anything, the two parties concerned come together, read the laws, understand the laws, and act accordingly. I hope the time will come when we will not have as many synonyms and such long, complicated sentences in our laws, and that they will be plain, so plain that the people for whom they are intended will understand them. [Applause.]

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Wisconsin if he can give us a reference to a place where we can buy that book.

Mr. HEFLIN. Mr. Chairman, I want to ask the gentleman from Illinois a question. The passage of this amendment will protect the producer in other ways. Suppose a man in a Department compiles these figures without having a bribe offered to him, and knowingly issues false statements and then goes and speculates in the market himself. It will reach that evil also?

Mr. MANN. Oh, I fully agree with the gentleman, that the matter ought to be covered in some way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was agreed to.

Mr. DENBY. Mr. Chairman, I ask unanimous consent to return to section 112 for the purpose of offering a few formal amendments to that section. The amendments I wish to offer are as follows:

On line 1, page 55, after the word "elected," to add the words "or appointed."

On lines 2 and 3, page 55, to strike out the words "from any Territory of the United States."

On line 3 to add the words "or appointment" after the word "elections."

The CHAIRMAN. The Clerk informs the Chair that the second amendment the gentleman has just referred to has been agreed to.

Mr. DENBY. I ask unanimous consent to return to the section for the purpose of offering the other amendments.

The CHAIRMAN. The gentleman asks unanimous consent to

return to section 112 for the purpose of offering the amendments which he has read. Is there objection?

Mr. BARTLETT of Georgia. Mr. Chairman, reserving the right to object, I desire to ask a question. I do not desire to object if this is necessary, but we have heretofore been told that this bill was so perfect a piece of legislation that it could not be improved upon; that it was as perfect a piece as could be conceived by Commission or by any committee. I am, therefore, rather surprised that anything has escaped the attention of the committee—that there is any imperfection in it. I did not hear what the gentleman said, but I would like to know why it is necessary to return to any particular paragraph to perfect it?

Mr. DENBY. Mr. Chairman, I will be very glad to explain.

Mr. BARTLETT of Georgia. Before the gentleman proceeds I would call his attention to the fact that there have been one or two requests for unanimous consent to return to a paragraph made by gentlemen who were unfortunate enough to occupy a seat on this side of the Chamber, and those requests have been uniformly refused, even though the amendment suggested was an amendment that many of us thought was a proper one. I do not desire to retaliate, and shall not do so if the gentleman will inform me what the necessity of returning to this section is.

Mr. DENBY. I am very glad to explain to the gentleman from Georgia and to the committee very briefly what the amendment covers which I seek to offer. In those sections which deal with Congressional offenses the words "elected a Member or Delegate to Congress" were used in the bill as submitted to the House. In an amendment, emanating from the gentleman's side of the House, but accepted very gladly, the words "or appointed" were added, in order to cover the case of Members of Congress not only elected, but also those who had been appointed. That amendment was put in most of the sections, but omitted by accident in the rush of the debate from several other sections. The purpose is to make the language uniform in all.

Mr. BARTLETT of Georgia. Mr. Chairman, I readily perceive the propriety and the necessity of the gentleman's amendment. The only thing about it is that we should all realize that this bill is not such a piece of perfection as it was originally thought to be.

Mr. PERKINS. Mr. Chairman, pending the right to object, will the gentleman yield for a question? The gentleman asks to insert, after the word "elected," the words "or appointed."

Mr. DENBY. Line 1, page 55; yes.

Mr. PERKINS. A Member of Congress can not be appointed.

Mr. DENBY. But a Senator is a Member of Congress, and a Senator may be appointed by a governor.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 55, line 1, after the word "elected," insert the words "or appointed," and in line 3, after the word "election," insert the words "or appointment."

The question was taken, and the amendments were agreed to.

Mr. DENBY. Mr. Chairman, I ask unanimous consent to return to section 113 for the purpose of offering the following amendment:

Page 56, line 5, after the word "election," add the words "or appointment."

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to return to section 113 for the purpose of offering the amendment which he has stated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk will report the amendment.

The Clerk read as follows:

Page 56, line 5, after the word "election," insert the words "or appointment."

The question was taken, and the amendment was agreed to.

Mr. DENBY. Mr. Chairman, I ask unanimous consent to return to section 114 for the purpose of offering the following amendment:

Page 56, after the word "elected," add the words "or appointed."

Also,

Page 56, line 18, after the word "election," add the words "or appointment."

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to return to section 114 for the purpose of offering the amendment which he has stated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk will report the amendment.

The Clerk read as follows:

Page 56, line 16, after the word "elected," insert the words "or appointed"; and, in line 18, after the word "election," insert the words "or appointment."

The question was taken, and the amendments were agreed to.

Mr. DENBY. Mr. Chairman, I ask unanimous consent to return to section 117 for the purpose of offering the following amendment: Page 59, line 6, after the word "election," add the words "or appointment."

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none, and the Clerk will report the amendment.

The Clerk read as follows:

Page 59, line 6, after the word "election," insert the words "or appointment."

The question was taken, and the amendment was agreed to.

Mr. WANGER. Mr. Chairman, right here I would like to ask the chairman of the committee whether there has been any amendment to section 7 as it was reported by the committee.

Mr. MOON of Pennsylvania. Section 7 of the bill?

Mr. WANGER. Yes. The section as reported forbids recruiting of any soldiers or sailors within the United States or within any place subject to the jurisdiction thereof to engage in armed hostilities against the same, and then forbids the opening within the United States of a recruiting station for the enlistment of such soldiers or sailors, but it does not forbid the opening of a recruiting office in any place subject to the jurisdiction of the United States, and apparently it certainly should.

Mr. DENBY. The section as reported to the House forbids the opening of a recruiting station in any place subject to the jurisdiction of the United States, as well as in the United States.

Mr. WANGER. Then the bill itself is different from the report. No; I think my friend is mistaken in his supposition. It forbids the recruiting in the United States or in any place subject to the jurisdiction of the United States, but it only forbids the opening within the United States of a recruiting station.

Mr. DENBY. I see the gentleman's point, although it would seem to me the language of the bill fully covers the point.

Mr. WANGER. I think not.

Mr. DENBY. Because a recruiting station might be opened subject to the jurisdiction of the United States, but the bill specifically forbids recruiting, and a recruiting station would be useless if they could not recruit soldiers there.

Mr. WANGER. But, as we forbid the opening of any such station within the United States, should we not also forbid the opening of it in any place subject to the jurisdiction of the United States?

Mr. DENBY. Well, unless the gentleman feels the matter is so important, it seems to me it is covered sufficiently by the existing language. As I say, there might be a recruiting station, but if you could not recruit at it, it would be of no value.

Mr. WANGER. You might not be able to prove as to recruiting, but it might be easy to prove the opening of a recruiting station. I will ask unanimous consent to return to that section.

Mr. MOON of Pennsylvania. I would say to the gentleman from Pennsylvania [Mr. WANGER] that the—

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WANGER] asks unanimous consent to return to section 7.

Mr. MOON of Pennsylvania. Mr. Chairman, I must insist on the regular order. And I want to say to my colleague—

The CHAIRMAN. If the gentleman insists on the regular order, the Clerk will read.

The Clerk read as follows:

Sec. 125. [Whoever having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than \$2,000 and imprisoned not more than five years.]

Mr. GARRETT. Mr. Chairman, it is my purpose later on in the consideration of this bill—

The CHAIRMAN. Does the gentleman make some motion?

Mr. GARRETT. I move to strike out the last word. It is my purpose in the consideration of this bill to offer an amendment. That amendment will be offered in good faith. It touches upon what seems to me to be an important matter, worthy of the consideration of this committee. And I desire to send now to the desk and have read in my time the amendment which I shall propose in order that it may go into the

RECORD and be scrutinized by the members of this committee before the section is reached.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

Page 113, after section 214, insert the following as a new section, to be numbered section 214a.

"No letter, postal card, circular, book, newspaper, pamphlet, writing, or other publication containing any advertisement, notice, account, or record of any contract which is made for future delivery of any product or products of the soil, minerals, meats, stocks, bonds, or anything whatsoever, tangible or intangible, without agreeing and intending that the article or stock or asset which is the subject of such contract shall be actually delivered or received in kind, or relating to any contract wherein any party thereto in whose behalf such contract is made acquires the right or privileges to demand in the future the acceptance or delivery of such article or asset without being thereby obligated to deliver or accept same; and no check, draft, bill, money, postal note, money order, or other instrument of payment or obligation for any such contract or transaction hereinabove defined; and no notice, letter, writing, or publication of any kind or character referring or relating to what is commonly called "dealing in futures," "stock gambling," or other names or terms intended to be understood as relating to such contracts as are herein described, shall be deposited in or carried by the mails of the United States or be delivered by any postmaster or letter carrier."

"Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than \$5,000 and imprisoned not more than two years; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed."

The CHAIRMAN. Just one moment.

Mr. GARRETT. Gentlemen, in scrutinizing this amendment, will find that it is modeled after the lottery section. I am not clear but that the amendment should come immediately after section 215 rather than 214. That is a mere matter of detail which can be taken up when the time arrives. I have placed it in the RECORD in order that any interested may scrutinize it by the time we reach the section.

Mr. MOON of Pennsylvania. As I understand, there is no motion.

Mr. GARRETT. No, not now.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word in order to make an inquiry of the gentleman from Pennsylvania [Mr. Moon] in reference to this section which has just been read. I understand that in this section you propose to incorporate words defining perjury. According to the note at the head of this bill, as being embraced in brackets, this section is formed by combining different sections or provisions of existing law. Is that correct?

Mr. MOON of Pennsylvania. The brackets indicate more than that.

Mr. BARTLETT of Georgia. I have just read what the gentleman has reported to the House they indicate, as shown on the very first page of the bill.

Mr. MOON of Pennsylvania. The gentleman will observe—

Mr. BARTLETT of Georgia. I did not use my own language. I used the language of the committee when I called the gentleman's attention to that.

Mr. MOON of Pennsylvania. The paragraph at the head of the bill explaining the use of the bracket says it is applied to sections "from which any material thing has been omitted or which is made by combining together two sections," and the gentleman will find upon examining the section under consideration that something material has been omitted out of existing law in section 125, and therefore it is in brackets, and the report explaining section 125 calls attention to it.

Mr. BARTLETT of Georgia. I have read the report. The gentleman, then, admits there has been something omitted from the existing law in this section. My recollection is quite clear that the gentleman does not provide for false swearing anywhere. It makes a false affidavit or false oath, whether in judicial proceeding or not, a perjury.

Mr. MOON of Pennsylvania. This section is existing law with the single exception it strikes out the disqualification to testify upon conviction. This does not alter existing law in any respect except that.

Mr. BARTLETT of Georgia. Can the gentleman give some good reason—and I have no doubt he has one—why a person convicted of perjury should be permitted to testify as a witness in the courts?

Mr. MOON of Pennsylvania. Yes.

Mr. BARTLETT of Georgia. I would like to hear it.

Mr. MOON of Pennsylvania. Well, that, as the gentleman, who is an experienced lawyer, knows, is one of the remnants of the old common law of disqualification—the application of the

doctrine of the crimen falsi. The gentleman also knows that that doctrine is almost entirely exploded and has little or no application in modern jurisprudence and that nearly all modern States have stricken it out of their criminal code. It has been done in England, and has been done in most of the States of the Union. This is a part of the great advance that has been made in the administration of justice in recent years, the advance that now permits a defendant to testify in his own behalf, his interest in the subject-matter affecting only his credibility as a witness. And, in line with that advance, England and most States have permitted a man convicted of perjury to testify, leaving the fact of his conviction to go to his credibility as a witness. It is in the line of modern penology. I could give the gentleman a list of the States if he desires it.

Mr. BARTLETT of Georgia. I do not wish that. But all the States do not follow it. Most of the States have removed the disqualification of interest or the fact if a person is convicted of felony or of a misdemeanor, but I do not understand that all of the States removed the disqualification, where a man is convicted of perjury, from testifying. I know that all the States have set aside a verdict based upon testimony given by a witness who is convicted of perjury. The point I rose to inquire about is that it makes everything here perjury, whether this false swearing and false proceeding is in the nature of a judicial proceeding or not. The distinction between perjury and false swearing is that perjury is committed in a judicial proceeding, and false swearing is that wherein the false swearing is not in a judicial proceeding.

Mr. MOON of Pennsylvania. Well, I will say to the gentleman that this is the law of the United States and has been for a great many years. The law of to-day says exactly as does the section proposed, that whoever, having taken an oath before a competent tribunal, officer, or person in any case in which the law of the United States authorizes an oath to be administered in a matter that is material to the subject, and having taken such oath, testifies falsely in that respect, shall be guilty of perjury.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

SEC. 126. Whoever shall procure another to commit any perjury is guilty of subornation of perjury, and punishable as in the preceding section prescribed.

Mr. HARDY. I move to strike out the last word. I rise, Mr. Chairman, just in passing, to call attention to the fact, as evidenced by the explanation made by the gentleman in charge of this bill a moment ago, that this is not a bill simply to codify, but that this committee have in numerous instances, that being one, assumed the right or the duty to provide very important amendments to the law as it now exists. Now, the amendment we have made to enable the convicted perjurer to still testify is one I am in favor of. It is in line, as stated by the Chairman, with modern judicial enactment; but it is a very material one when it gives the right thereunder given to a convicted felon. I wished to simply make this note for the purpose of saying that when we come to equally important amendments before this House in the progress of this bill it ought not to be a bar to their discussion or prevent their enactment to simply assert that it is new law.

The Clerk read as follows:

SEC. 127. Whoever shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceeding, in any court of the United States, by means whereof any judgment is reversed, made void, or does not take effect; or whoever shall acknowledge, or procure to be acknowledged, in any such court, any recognition, bail, or judgment, in the name of any other person not privy or consenting to the same, shall be fined not more than \$5,000, or imprisoned not more than seven years, or both; but this provision shall not extend to the acknowledgment of any judgment by an attorney, duly admitted, for any person against whom such judgment is had or given.

Mr. DRISCOLL. I desire to ask the gentleman in charge of the bill a question. It says "whoever shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceeding, in any court of the United States, by means whereof any judgment is reversed," etc. Now, is it necessary to have such bad result follow in order to make a crime of the stealing and taking away or falsifying the record? Is there any punishment for that, in case the bad result provided for does not follow? Do you see the point?

Mr. MOON of Pennsylvania. Yes; I see the point.

Mr. DRISCOLL. I would like to have that explained. Is there any provision for punishment in this act in a case where a bad result does not follow from it?

Mr. MOON of Pennsylvania. The gentleman will realize the difficulty of answering all these questions upon the spur of the moment. Now, I will answer it in a moment, and I think per-

haps conclusively. We now have this law existing in the statute book. When a gentleman asks me on the floor when I am considering the whole bill, it is necessarily difficult to answer questions covering every item of the bill; but I will say to the gentleman that the next section practically covers the thought in his mind, section 128, which we have broadened very materially by the addition of other words, which I think covers that.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 131. [Whoever, directly or indirectly, shall give or offer, or cause to be given or offered, any money, property, or value of any kind, or any promise or agreement therefor, or any other bribe, to any judge, judicial officer, or other person authorized by any law of the United States to hear or determine any question, matter, cause, proceeding, or controversy, with intent to influence his action, vote, opinion, or decision thereon, shall be fined not more than \$20,000 or imprisoned not more than fifteen years, or both; and shall forever be disqualified to hold any office of honor, trust, or profit under the United States.]

Mr. DE ARMOND. Mr. Chairman, I have an amendment to offer to that section.

The Clerk read as follows:

Amend section 131 by inserting on page 66, line 4, between the words "thereon" and "shall," the following: "or because of any such action, vote, opinion, or decision."

Mr. DE ARMOND. Mr. Chairman, the section as it now stands provides for punishing anybody who shall give or offer to a judge any money or property for the purpose of influencing his vote, opinion, action, or decision. If the amendment were incorporated, it would also provide that anybody who gives to him any of these things because or on account of his action, vote, opinion, or decision shall be punished in that way. I would ask the Clerk to read that part of the section as it would read if the amendment were incorporated.

The Clerk read as follows:

Whoever, directly or indirectly, shall give or offer, or cause to be given or offered, any money, property, or value of any kind, or any promise or agreement therefor, or any other bribe, to any judge, judicial officer, or other person authorized by any law of the United States to hear or determine any question, matter, cause, proceeding, or controversy, with intent to influence his action, vote, opinion, or decision thereon, or because of any such action, vote, opinion, or decision, shall be fined not more than \$20,000 or imprisoned not more than fifteen years, or both; and shall forever be disqualified to hold any office of honor, trust, or profit under the United States.

Mr. MOON of Pennsylvania. I will say to the gentleman that I think this makes it clearer and stronger, and I accept it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. DE ARMOND]. The amendment was agreed to.

The Clerk read as follows:

SEC. 132. Whoever, being a judge of a court of the United States, shall in anywise accept or receive any sum of money, or other bribe, present, or reward, or any promise, contract, obligation, gift, or security for the payment of money, or for the delivery or conveyance of anything of value, with the intent to be influenced thereby in any opinion, judgment, or decree in any suit, controversy, matter, or cause depending before him, shall be fined not more than \$20,000 or imprisoned not more than fifteen years, or both; and shall be forever disqualified to hold any office of honor, trust, or profit under the United States.

Mr. SHERLEY. Mr. Chairman, I move to strike out, after the word "judge," in the first line of the paragraph, the words "of a court," so that it will read:

Whoever, being a judge of the United States.

The CHAIRMAN. The gentleman from Kentucky offers an amendment which the Clerk will report.

The Clerk read as follows:

Line 8, page 66, strike out the words "of a court."

Mr. SHERLEY. Mr. Chairman, as the section now reads, it might limit the section to a judge of a court in the United States, leaving the words "of a court" to qualify the words "of the United States;" whereas the section should apply also to the United States judge of a Territorial court. I think the words "of a court" narrow the section unnecessarily.

The amendment was agreed to.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend section 132 by inserting, on page 66, line 15, between the words "him" and "shall," the words "or because of any opinion, ruling, decision, judgment, or decree."

Mr. DE ARMOND. Mr. Chairman, that amendment is of precisely the same character as the one offered to the preceding section, which has been agreed to.

Mr. MOON of Pennsylvania. I should like to have the Clerk read the section as it would read when amended.

The CHAIRMAN. Without objection the Clerk will report the section as it would read if amended.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose, and, Mr. DAVIDSON having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

CODIFICATION OF THE PENAL LAWS OF THE UNITED STATES.

The committee resumed its session.

The Clerk read as follows:

SEC. 132. Whoever, being a judge of the United States, shall in any wise accept or receive any sum of money, or other bribe, present, or reward, or any promise, contract, obligation, gift, or security for the payment of money, or for the delivery or conveyance of anything of value, with the intent to be influenced thereby in any opinion, judgment, or decree in any suit, controversy, matter, or cause depending before him, or because of any opinion, ruling, decision, judgment, or decree, shall be fined not more than \$20,000 or imprisoned not more than fifteen years, or both; and shall be forever disqualified to hold any office of honor, trust, or profit under the United States.

Mr. MOON of Pennsylvania. Mr. Chairman, it seems to me that amendment covers the same thing that was covered in section 131, and is in the line of the section itself, and the committee, accordingly, make no opposition to it.

Mr. DRISCOLL. It seems to me the gentleman ought to add the words "rendered by him" to make it complete.

Mr. DE ARMOND. I think it refers to just exactly what the other refers to, and covers it completely, in my opinion.

Mr. DRISCOLL. I do not think it is clear.

Mr. MOON of Pennsylvania. I should like to have the Clerk read that once more.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. SHERLEY. I suggest that, if the gentleman will permit, the word "such" be put in there, so that it will read "because of any such opinion," etc.; that will make the sentence perfectly plain.

Mr. DE ARMOND. Very well, put in the word "such."

Mr. DRISCOLL. Why not put in the words "rendered by him?"

Mr. DE ARMOND. I think those words tend to narrow it, because that phrase is not used in the other part of the section. I think putting in the word "such" is entirely unobjectionable, and I have no objection to that.

The CHAIRMAN. Does the gentleman from Kentucky offer that as an amendment?

Mr. SHERLEY. I offer that as an amendment to the amendment.

The CHAIRMAN. The gentleman from Kentucky offers the following amendment to the amendment proposed by the gentleman from Missouri, which the Clerk will report.

The Clerk read as follows:

Amend the amendment so as to read "or because of any such opinion, ruling, decision, judgment, or decree."

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. DE ARMOND] as amended.

The amendment as amended was agreed to.

The Clerk read as follows:

SEC. 133. Whoever, being a juror, referee, arbitrator, appraiser, assessor, auditor, master, receiver, United States commissioner, or other person authorized by any law of the United States to hear or determine any question, matter, cause, controversy, or proceeding, shall ask, receive, or agree to receive, any money, property, or value of any kind, or any promise or agreement therefor, upon any agreement or understanding that his vote, opinion, action, judgment, or decision shall be influenced thereby, shall be fined not more than \$2,000 or imprisoned not more than two years, or both.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend section 133 by inserting on page 67, line 2, between the words "thereby" and "shall," the following: "or because of any such vote, opinion, action, judgment, or decision."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 134. Whoever being, or about to be, a witness upon a trial, hearing, or other proceeding, before any court or any officer authorized by the laws of the United States to hear evidence or take testimony, shall receive or agree or offer to receive a bribe, upon any agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing, or other proceeding, shall be fined not more than \$2,000, or imprisoned not more than two years, or both.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend section 134, on page 69, by inserting between the word "proceeding," lines 11 and 12, and the word "shall," in line 12, the words "or because of any such testimony of such absence."

Mr. DRISCOLL. Mr. Chairman, I would like to have the section read as it will read with that proposed amendment incorporated.

The CHAIRMAN. Without objection, the section will be read.

The Clerk read as follows:

SEC. 134. Whoever being a prisoner, confined in a prison, penitentiary, jail, or other place of detention, or being in lawful custody of an officer or other person by authority of the United States, shall escape or attempt to escape from such prison, penitentiary, jail, or other place of detention, or custody, shall be fined not more than \$1,000, or imprisoned not more than seven years, or both.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 138. Whoever being a prisoner, confined in a prison, penitentiary, jail, or other place of detention, or being in lawful custody of an officer or other person by authority of the United States, shall escape or attempt to escape from such prison, penitentiary, jail, or other place of detention, or custody, shall be fined not more than \$1,000, or imprisoned not more than seven years, or both.

Mr. BARTLETT of Georgia. Mr. Chairman, I desire to strike out the last word for the purpose of making a statement. Mr. Chairman, I apprehend that this is new matter in this bill, and while I have no serious objection to punishing a prisoner who may attempt to escape, or escapes after conviction, because most States have that law—although I think it a very unkind and harsh law—I do not desire to assent to a proposition that would punish a man for escaping before he is convicted. In other words, this section is so broad that a man may be convicted for getting away from the custody of an officer who has him in charge, when upon trial he would not be convicted of any offense. In many cases, for escaping from an officer who had arrested him for misdemeanor, or a mere trifling offense, it would render a man subject to be indicted, tried, and convicted for a very serious felony. I do not desire to assent to that proposition. I do not desire to assent to the proposition that if a man before he is convicted when arrested charged with some misdemeanor, escapes or attempts to escape from the custody of an officer, he is guilty of a felony, no matter what may be the offense of which he is charged. Therefore, I offer this amendment so as to confine it to an escape after conviction. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Page 69 add after the word "prisoner," in line 1, the following: "under conviction or sentence." Also by inserting in line 3, page 69, before the word "in," the words "convicted and."

Mr. BARTLETT of Georgia. So that the section will read that "whoever, being a prisoner, after conviction or sentence shall escape," etc., and to the other part of the section, "being in lawful custody," I propose to add, before the words "in lawful custody," "after being convicted and in lawful custody," etc.

Now, we are here making it an offense for a man to escape or attempt to escape—not to resist an officer or anything of that sort, because there are other provisions in this code which provide for resisting an officer and for rescuing or attempting to rescue a prisoner.

Very often a man escapes, or makes a technical escape, from the custody of an officer when the prisoner is not guilty of anything. I have known cases where men have been arrested, knew they were not guilty, have escaped from the officer when they had the opportunity for the purpose of securing bail, and then in a few days delivering themselves up to the officer, giving bail, in order that they might not go to jail.

Members must remember that in the territory in which some of us live persons may be arrested hundreds of miles from that portion of the district where the commissioner lives or the courts are held, and to take them there without providing for bail means that they must remain in jail. Men are often arrested that are not convicted in the United States court. It often occurs in other courts, and therefore I do not desire, when the provision was never in the law before, to make the offense a crime for a man who escapes, or attempts to escape, from the custody of an officer, a man who has not been lawfully convicted or guilty of anything and is charged with being guilty of a misdemeanor—I am not in favor of making that a felony under the law. It does not say if he resists an officer. This is simply to escape—

Mr. DRISCOLL. Will the gentleman yield to a question?

Mr. BARTLETT of Georgia. Let me finish the sentence. If

he simply gets away from the officer who has gone asleep on board a train, say, if he walks out or if he escapes from an officer without the use of any force, he is guilty of a felony, and I do not like this new addition to the criminal code which makes a man who is not guilty, who can never be found guilty, guilty of a felony because he escapes either through the negligence of an officer or by any other means, not using any force to escape.

Mr. DRISCOLL. As I understand the gentleman, he says that if a man is convicted of a crime and escapes after such conviction he may be properly punished under this proposed section.

Mr. BARTLETT of Georgia. I did not say I was in favor of it. I said I was more in favor of that than I was of the section as it stands. I do not think it accords with humanity to enact the section into law.

Mr. DRISCOLL. If he is not convicted and escapes pending a trial or before the trial, you would not have him subject to this section.

Mr. BARTLETT of Georgia. I do not hear the gentleman.

Mr. DRISCOLL. If he is not convicted, if it is before trial, and of course before trial he would not be convicted, therefore you think this section should not apply.

Mr. BARTLETT of Georgia. I do not think we should punish a man who simply escapes before trial.

Mr. DRISCOLL. But suppose he is actually guilty.

Mr. BARTLETT of Georgia. No man is actually guilty who is not found guilty.

Mr. DRISCOLL. But suppose he is guilty and suppose he gets away so that he never can be convicted, would you not consider the escaping before trial some offense? Assume that he is guilty and that he gets away.

Mr. BARTLETT of Georgia. I said it ought not to be any offense to get away before he is convicted; to make it any greater crime for an innocent man to get away than for a guilty man to be convicted.

Mr. DRISCOLL. If he is innocent, why should he not wait and stand trial?

Mr. BARTLETT of Georgia. Oh, a great many men do stand trial who are not guilty, and a great many men get away from the jail in order to get bail and not be confined who are not guilty.

Mr. RUSSELL of Missouri. Mr. Chairman, I observe that the gentleman from Georgia says that this statute would convict a man of a felony.

Mr. BARTLETT of Georgia. Yes.

Mr. RUSSELL of Missouri. I understand from the reading of this section that he may be fined not exceeding \$1,000.

Mr. BARTLETT of Georgia. Or imprisoned not more than seven years.

Mr. RUSSELL of Missouri. That permits the court to fine him or imprison him either.

Mr. BARTLETT of Georgia. Yes.

Mr. RUSSELL of Missouri. If he is fined \$1 he would not be convicted of a felony, would he?

Mr. BARTLETT of Georgia. You indict him for a penitentiary offense, and we do not define felonies, as I understand it, by the United States statute. Some of the States do, and in some States a felony is a crime punishable by imprisonment in the penitentiary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRISCOLL. I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RUSSELL of Missouri. I desire to ask the further question: Does the gentleman not think that anyone who is a prisoner in charge of an officer and charged with a crime—that it is his duty as a good citizen to observe and respect the constituted authorities, even though he may not be guilty of a crime?

Mr. BARTLETT of Georgia. Certainly I do. There is no question about my believing that.

Mr. RUSSELL of Missouri. Under this section of law the discretion is left at last to the court to impose a fine as low as \$1.

Mr. BARTLETT of Georgia. That is all true, Mr. Chairman, but I do not believe that after living under this law for one hundred years or more—and this is all new now, as I understand it; it is something which has emanated from the brain of the Commission and has been approved by the gentlemen who made up this report—I do not believe that we ought to make it a crime for a man who has not been adjudged guilty to escape. I do believe it ought to be made a crime if you resist an arrest or if you get away by assault upon an officer, and that is provided, but for a man to escape—and not only that, but you make it a crime if he attempts to escape, and

you make an attempt to escape as great a misdemeanor as the escaping itself. Officers who could not secure evidence sufficient to convict a man of a charge for which they have arrested him could very easily put up a charge by saying the man tried to escape, by saying that they can not convict him of the offense for which they arrested him, but that they will charge him with an attempt to escape, and that they will convict him of that, because nobody is present at the arrest but themselves and the prisoner.

I have offered these amendments because I do not think that an untried, unconvicted, not-found-guilty man should be put upon the same footing in the matter here dealt with in this section as a man who has been adjudged by the law to be a convicted felon or a man guilty of a misdemeanor, for everybody is presumed under the humanity of our law to be innocent until they are shown to be guilty. Here we make it a serious offense, in many cases a much more serious offense than the man may be charged with when arrested, to escape or to attempt to escape. Against the introduction of such inhumanity into the law I, for one, protest.

The question was taken, and the Chairman announced that the ayes appeared to have it.

On a division (demanded by Mr. Moon of Pennsylvania) there were—ayes 26, noes 31.

So the amendment was rejected.

The Clerk read as follows:

Sec. 139. Whenever any marshal, deputy marshal, ministerial officer, or other person has in his custody any prisoner by virtue of process issued under the laws of the United States by any court, judge, or commissioner, and such marshal, deputy marshal, ministerial officer, or other person voluntarily suffers such prisoner to escape, he shall be fined not more than \$2,000, or imprisoned not more than two years, or both.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 139, on page 69, by inserting in line 13, between the words "voluntarily" and "suffers," the following: "or negligently."

Mr. DE ARMOND. Mr. Chairman, if that amendment were adopted an officer would be liable to the penalties imposed by the section for a negligent escape as well as a voluntary one. It seems to me it would improve the section to incorporate that word.

The question was taken, and the Chairman announced that the noes appeared to have it.

On a division (demanded by Mr. DE ARMOND) there were—ayes 26, noes 34.

So the amendment was rejected.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out in line 15, page 59, the word "two" and insert the word "seven," so it will read "seven years" in place of two.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 15, after the word "than" strike out the word "two" and insert "seven," so as to read "not more than seven years."

Mr. BARTLETT of Georgia. Mr. Chairman, we have just refused in any way to change this new and modern proposition, put into this bill by the Commission and the committee on revision, by which we make it a crime punishable by seven years' imprisonment, at least it may be that long, for a man to escape from an officer, and we have the remarkable proposition in the next section where you only make it a crime punishable by two years for an officer to voluntarily let him get away. Now, it occurs to me that the punishment ought to be severer upon the officer whose duty it is to keep the prisoner in custody than it is for the prisoner to escape. We have here a law which makes it seven years for a man to escape and makes it a crime punishable for two years for an officer to permit him to get away or who accepts a bribe or who walks away leaving him and telling him to go; it occurs to me that the greater punishment ought to be visited upon the officer and not upon the man.

Mr. SHERLEY. What is the gentleman's amendment? I was unavoidably absent at the time he offered it.

Mr. BARTLETT of Georgia. I tried to amend the other section, and I now propose in this section 139 to make the officer equally guilty and punish him by seven years' imprisonment well as the man who gets away. You make it in the bill but two years.

Mr. SHERLEY. Your motion is to strike out "two" and substitute "seven?"

Mr. BARTLETT of Georgia. Yes, sir.

Mr. SHERLEY. I do not think there is any objection to that. I think it might be a grave offense and ought to be properly punished.

Mr. BARTLETT of Georgia. I think so, too. If you punish the man for getting away, you ought to punish the man for letting him get away. That is all I have to say. I do not desire to disturb the consistency and beauty of this bill, but I want to see if I can make it a little more consistent and symmetrical.

Mr. MOON of Pennsylvania. Mr. Chairman, the distinction between the punishment in those two cases is based upon the fact that the prisoner in attempting to escape frequently uses violence, and it is often the case that the life of the jailer or the person who has him in custody is in jeopardy. In the other case it is simply a man who permits him to escape, being the man who has him in custody, and he might be liable even without the amendment of the gentleman from Missouri, for doing it negligently, and it seems to me, therefore, the punishment in one case ought to be greater than in the other.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MOON of Pennsylvania. Division, Mr. Chairman.

The committee divided, and there were—ayes 37, noes 40.

So the amendment was rejected.

The Clerk read as follows:

SEC. 141. [Whoever shall knowingly and willfully obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any mesne process or warrant, or any rule or order, or any other legal or judicial writ or process of any court of the United States, or United States commissioner, or shall assault, beat, or wound any officer or other person duly authorized in serving or executing any such writ, rule, order, process, warrant, or other legal or judicial writ or process, shall be fined not more than \$300 and imprisoned not more than one year.]

Mr. DE ARMOND. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 141 by striking out in line 25, page 60, and line 1, page 70, the following words: "or other person duly authorized;" also by striking out the words "or United States Commissioner," line 4, page 70; also by striking out the words "or other legal or judicial writ or process," in line 7, page 70, and inserting between the word "shall," line 4, and the word "assault," line 5, page 70, the words "knowingly and willfully."

Mr. DE ARMOND. Mr. Chairman, but slight changes have been made in this section so far as the number of words introduced into it in addition to those that were in before are concerned, but the effect is a very considerable one. I do not know how thoroughly the committee may have taken that into account. They have entirely changed the form of expression. I understand that to be in conformity with their general principle of endeavoring to have uniform expression in the wording of the statutes. In this particular instance what was expressed in the old statute in the old language would be better expressed in the new statute in the old language, but that aside, they have incorporated some new elements which it appears to me ought not to be included. For instance, in the first part of the section they have incorporated the words "or other person duly authorized," words which the amendment proposes to strike out. Now, I do not think that those words ought to be put into this section. As they have worded it the section provides that "whoever shall knowingly or willfully obstruct, resist, or oppose any officer of the United States or other person duly authorized." This is a highly penal statute, and it seems to me that unless there be absolute necessity for it the outside especially authorized person, who may be vaguely and improperly authorized, ought not to be included. I believe, too, that the addition of "or United States commissioner," or, in other words, making the process of the United States commissioner have the same effect and amount to the same thing, so far as this section is concerned, as that which issues from the court, is not right. Then as to the final addition which it is moved to strike out "or other legal or judicial writ or process," I confess I do not know, and I am not sure that the committee precisely knows, just what that is meant to be or to express. The words which we have already in the statute in the old law are "writ, rule, order, process, or warrant." That, according to the notions of these gentlemen, is not sufficiently comprehensive, but we take in "other legal or judicial writ or process." That may be meant to cover something extraordinary, unusual, adapted to some special case, to reach some emergency, as it may be supposed, or it may be general language employed in a general way. If the purpose be to reach some case not covered by the old language of the statute, I think that purpose ought to be disclosed—we ought to know what it is. It seems to me it could not very well be a good purpose. If the words are put in without having any special meaning and without any special

purpose, then it would appear to me that the section is strong enough with those words omitted and with the old words in the section employed as they are.

The remaining part of the amendment goes to the insertion of the words "knowingly and willfully," those which are employed at the outset in the section, before the word "shall," in its final denunciation of the penalty. Now, in the change of the phraseology in the rewriting of the section it is very clear, of course, that the words "knowingly and willfully" describe that part of the offense which consists in obstructing, resisting, or opposing an officer of the United States; but when we come down to the next clause, where the provision is "shall assault, beat, or wound any officer or other person," the word "shall" being repeated and different verbs being employed, it seems to me, without the repetition those words are not to be supplied by construction, and so are not in the section. As the section was worded of old, the main qualifiers were carried clear through, because the construction was such as to carry them clear through.

But here are thoroughly distinct clauses, and if you want to provide that to assault, beat, or wound any officer or other person in order to constitute an offense shall be done knowingly and willfully, I think it becomes necessary to use those words, to repeat them. I think that the amendment is a decided improvement to the section. It would remove something which must be unnecessary as surplusage, or possibly may be dangerous; and it would leave beyond implication and beyond construction the question whether this specification of knowingly and willfully is to apply throughout or apply only to the early portion.

Mr. MOON of Pennsylvania. Mr. Chairman, I will say for the information of the committee that the enlargement of this law was reported by the Revision Commission on the recommendation of the Department of Justice. I think it explains itself. It seems to be perfectly clear. The words that the amendment of the gentleman from Missouri seeks to exclude, "or other persons duly authorized," includes in this law persons who might be appointed deputies by the court to serve processes. It was the feeling of the Commission, and it was the recommendation of the Department of Justice, I will say, based on the experience of the Department and on the experience of that class of men engaged in the execution of mandates of courts of justice, that they who were not officers, but men specially appointed to serve the orders of the court, ought to be protected. Respecting the amendment of the gentleman to strike out the words "United States commissioner," it would seem to me not to need any explanation, that without the addition of the words "United States commissioner" added to the words "judges of the court," persons could willfully obstruct, resist, and oppose the service of a warrant issued against a criminal, as it is well known that warrants for the arrest of persons charged with a violation of Federal statutes are generally issued by United States commissioners, and as the law exists to-day without this enlargement the resisting of an officer of that kind, obstructing or opposing the execution of a warrant issued by a United States commissioner can not be punished. The additional amendment offered by the gentleman seeking to strike from the section the words "or other legal or judicial writ or process" in the enumeration of the orders and process of the courts which its officers are to be protected in serving seems to me ought not to prevail. Your committee believe with the Commission of Revision that these words were necessary in order to punish as a crime the attempt to obstruct or resist service of any process issued by a court or by the legally constituted authorities of the United States, and that there might be other processes or writs which the enumeration contained in the statute did not cover. For that reason they have inserted the amendment, and we believe it is a necessary enlargement of existing law.

Mr. DE ARMOND. I would like to ask the gentleman a question. Why is it that they think that if this process or writ shall be issued by the court commissioner these particular words should be used?

Mr. MOON of Pennsylvania. I would say to the gentleman that at the present moment I can not state what particular process might be omitted, but that the Department of Justice and the Commission and the committee at the time it considered the bill felt that these words, "writ, rule, order, process, warrant," might not cover all of the legal writs that might be issued in a court of the United States, and that ought to be served by a proper constituted officer, and they also felt that the court ought to protect the officers serving any and all processes of the court.

Mr. DE ARMOND. Mr. Chairman, I would like to ask the gentleman about these qualifying words; whether in his understanding of this section as it now stands, the words "know-

ingly and willfully" are carried down, or are inserted by indication, after the word "shall" and before "assault."

Mr. MOON of Pennsylvania. I will state to the gentleman that upon that question there might be some doubt. The addition of the words "willfully and knowingly" might be in the direction of clearness, and I certainly should not oppose that amendment. That is what the committee intended to make clear, and if it seem that those words would make it somewhat clearer they ought to be inserted.

The CHAIRMAN. The question is on agreeing to the amendment.

[Mr. KIMBALL addressed the committee. See Appendix.]

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn. The question is on the amendment offered by the gentleman from Missouri [Mr. DE ARMOND].

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. DE ARMOND. Division!

The CHAIRMAN. A division is demanded. The Chair will count all gentlemen standing.

Mr. GAINES of Tennessee. This is a reunited Democracy standing, Mr. Chairman. [Laughter].

The committee divided, and there were—ayes 50, yeas 73.

Mr. DE ARMOND. I should like to have tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. Moon of Pennsylvania and Mr. DE ARMOND.

The committee again divided, and the tellers reported that there were—ayes 66, yeas 72.

So the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I now move to insert the words "knowingly and willfully" between the words "shall," in line 4, and "assault," in line 5.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Line 5, page 70, before the word "assault," insert the words "knowingly and willfully."

The CHAIRMAN. Does the gentleman from Missouri desire recognition on his amendment?

Mr. DE ARMOND. No, Mr. Chairman.

Mr. MOON of Pennsylvania. Mr. Chairman, it seems to me that the words "knowingly and willfully" are unnecessary. A man could hardly commit an assault or beat or wound without doing it willfully and knowingly. I thought the gentleman wanted to put those words so that it would provide that he must know that it was an officer of the United States.

Mr. DE ARMOND. In the old section the words applied to that.

Mr. MOON of Pennsylvania. Here is an attempt to assault and beat, and it seems to me that it would be absolutely unnecessary to say that a man who committed an assault must commit it knowingly. He couldn't do it in any other way.

Mr. DE ARMOND. They were in the old law, and they were only in once, and the construction of the sentence—

Mr. MOON of Pennsylvania. I would not think that that could be transposed to give that construction.

Mr. DE ARMOND. Undoubtedly those words are carried down in the old law, and the assaulting, beating, and wounding must be done knowingly and willfully. The gentleman will notice that the words are coupled, and not in the alternative.

Mr. MOON of Pennsylvania. The very term "assault" does not include the idea that it is done knowingly. It could not be done without, and I shall oppose the insertion of the terms "willfully and knowingly" at that point. It seems to me, Mr. Chairman, it would be incongruous to say that a man should knowingly assault another when the very terms of assault implies that it is done knowingly.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I now offer the following amendment.

The Clerk read as follows:

On page 70, line 7, strike out the words "or other legal or judicial writ or process."

Mr. MOON of Pennsylvania. Mr. Chairman, I rise to a parliamentary inquiry. Was not that included in the first proposed amendment? Did not the Chair submit to the House the three amendments offered by the gentleman from Missouri, including the motion to strike that out? I raise that point of order.

The CHAIRMAN. The Chair has not read the amendment and can not say from memory.

Mr. DE ARMOND. That was a part of the first amendment, Mr. Chairman; and that being a part of the amendment, and this being an amendment to distinct statutes, they are two propositions.

Mr. MOON of Pennsylvania. I would say respecting that that they must necessarily be considered upon a distinct and separate basis. They refer to different parts of the section, but it would seem to me that this was considered as a separate amendment.

The CHAIRMAN. It was the privilege of any member of the committee to have demanded a division of the amendment and had a vote on each proposition. That was not done, and this proposition differs materially from the proposition which the House voted on. The Chair overrules the point of order, and the question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and on a division (demanded by Mr. DE ARMOND) there were—ayes 47, yeas 63.

Mr. DE ARMOND. I demand tellers, Mr. Chairman.

Tellers were ordered, and the Chair appointed as tellers Mr. Moon of Pennsylvania and Mr. DE ARMOND.

The committee again divided, and the tellers reported that there were—ayes 52, yeas 72.

So the amendment was rejected.

Mr. MOON of Pennsylvania. Mr. Chairman, I desire to offer an amendment to correct a typographical error.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On line 2, page 70, correct the spelling of the word "warrant."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. HARDY. Mr. Chairman, if I can get the attention of the chairman of the committee, the gentleman from Pennsylvania [Mr. Moon], I wish to offer an amendment which I think will cover the idea he had in suggesting an agreement about the amendment of the gentleman from Missouri [Mr. DE ARMOND], and that is, in line 6, after the word "authorize," to amend by inserting the words "knowing him to be such officer or other person so duly authorized."

Mr. MOON of Pennsylvania. Mr. Chairman, that is the amendment that I supposed was originally offered by the gentleman from Missouri, and which makes clear what it was the intention of the committee to make clear. It may be possible, as I stated at that time, that the insertion of that language does make it clearer, that he shall know that the person assaulted is an officer of the United States, and as I indicated a willingness on the part of the committee to accept the amendment when made by the gentleman from Missouri, I still indicate that willingness now.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting in line 6, after the word "authorize," the words "knowing him to be such officer or person so duly authorized."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 142. [Whoever shall rescue or attempt to rescue, from the custody of any officer or person lawfully assisting him, any person arrested upon a warrant or other process issued under the provisions of any law of the United States, or shall, directly or indirectly, aid, abet, or assist any person so arrested to escape from the custody of such officer or other person, or shall harbor or conceal any person for whose arrest a warrant or process has been so issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant or process has been issued for the apprehension of such person, shall be fined not more than \$1,000, or imprisoned not more than six months, or both.]

Mr. MOON of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In lines 12 and 17, section 142, correct the spelling of the word "warrant."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

SEC. 144. Whoever, by force, shall set at liberty or rescue any person who, before conviction, stands committed for any capital crime; or whoever, by force, shall set at liberty or rescue any person committed for or convicted of any offense other than capital, shall be fined not more than \$500, and imprisoned not more than one year.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word. I merely want to compare this section with section 138, which I desire to correct by amendment I offered a short time ago, and to show that the committee have imposed a

severer penalty upon a slight offense than on a grave one. This section declares that—

Whoever by force shall set at liberty or rescue any person who before conviction stands committed for any capital crime or whoever by force shall set at liberty or rescue any person committed for or convicted of any offense other than capital, shall be fined not more than \$500 and imprisoned not more than one year.

I apprehend that punishment is sufficient. But if the members of the committee will recur to section 138, they will see that if a man without the assistance of anyone makes his escape or attempts to escape, he is liable to be fined \$1,000 and punished with imprisonment for seven years, whereas if anyone shall rescue him or set at liberty a man convicted of a capital offense or a felony, then that man shall be fined not to exceed \$500 and imprisoned not more than one year. The beauties and consistencies of this bill are more apparent as we proceed section by section; they become more symmetrical whenever you strike a new section proposed by the Commission or approved by the committee. I would ask any member of that committee—lawyers, men engaged in the solemn duty of enacting the criminal law—or any member of the Commission to show me why it is wise or humane to say that a man who escapes without force or escapes before conviction is more guilty and ought to receive a greater punishment than a man who rescues a convicted felon, a man who has been convicted. I would like to hear him give an explanation of that. Yet when efforts are made to relieve this bill of new sections which impose these great penalties and outrages and punishments of crime against men who are innocent in many cases, it is voted down by gentlemen who either do not understand the proposition or who will not listen to it. I have no amendment to offer with reference to this section. Doubtless the penalty is enough when you say that a man who by force sets at liberty a person who has been convicted of a capital crime or who has been convicted of a serious felony shall suffer a fine of not to exceed \$500 and imprisonment of not to exceed one year; but when you go back to the man who voluntarily escapes without force, who has not been convicted and may never be convicted, and announce as a punishment for that crime a fine of not more than \$1,000 or imprisonment of not more than seven years, I think it is going too far.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. DENBY. I will ask a minute to answer the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

Mr. BARTLETT of Georgia. I will answer any question the gentleman proposes.

Mr. DENBY. I do not desire to ask any question, but only wish to point out to the gentleman from Georgia in the case of section 144 imposing a penalty for the release by officers of person committed for a capital offense the punishment is imprisonment and fine—

Mr. BARTLETT of Georgia. I understand that.

Mr. DENBY. In the case of the other party it is imprisonment or fine. In this case it must be both fine and imprisonment.

Mr. BARTLETT of Georgia. It can never be longer than a year in section 144.

Mr. DENBY. It says he shall be fined not more than \$500, but he must be imprisoned, and it makes a great deal heavier punishment in many cases than the other section provides for.

Mr. BARTLETT of Georgia. I do not think the gentleman's explanation of the symmetry of this bill will be accepted. It needs further explanation. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 145. [Whoever, by force, shall rescue or attempt to rescue, from the custody of any marshal or his officers, the dead body of an executed offender, while it is being conveyed to a place of dissection, as provided by section 328 hereof, or by force shall rescue or attempt to rescue such body from the place where it has been deposited for dissection in pursuance of that section, shall be fined not more than \$100 or imprisoned not more than one year, or both.]

Mr. MACON. Mr. Chairman, I move to strike out the word "officers," in line 10, and insert the word "deputies."

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the clerk will report.

The Clerk read as follows:

Page 71, line 10, strike out the word "officers" and insert in lieu thereof the word "deputies."

Mr. MACON. Mr. Chairman, my reason for offering the amendment is that I know of no existing law that permits anybody to be an officer of a marshal; therefore, when it is so expressed as it is here, "marshal or his officers," it strikes me it is con-

trary to existing law; but under the existing law he is authorized to have deputies, and I believe deputies will more perfectly fit this particular clause than the word "officers." That is all.

The question was taken and the amendment was rejected.

The Clerk read as follows:

SEC. 146. Whoever shall, under a threat of informing, or as a consideration for not informing against any violation of any law of the United States, demand or receive any money or other valuable thing, shall be fined not more than \$2,000 or imprisoned not more than one year, or both.

Mr. HARRISON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers the amendment which the Clerk will report.

The Clerk read as follows:

Amend by striking out the word "two" on page 71, line 21, and substituting the word "five;" and amend by striking out the word "one" on page 71, line 22, and substituting the word "five."

Mr. HARRISON. Mr. Chairman, it is not my purpose to detain the committee more than a few minutes. The amendment which I have offered, and which I hope the committee will adopt, aims at increasing the penalty for the crime of extortion. The crime of extortion as it originally appeared in the Revised Statutes applied only to extortion by internal-revenue informers. The Commission which revised the criminal laws has seen fit to enlarge the scope of this provision so, as it stands upon the bill they have offered to us, it provides for extortion by anybody under any United States laws. This is nothing more or less than blackmail, which, as we all will admit, is one of the basest, the most contemptible, and most objectionable of crimes. The penalties which the Revised Statutes provide for other similar crimes are much larger than the penalties here offered us. For instance, the penalty applied to perjury is \$2,000 fine and imprisonment for five years, and the penalty provided for forgery is \$5,000 fine and imprisonment for five years, and when we come now to the contemptible crime of extortion, or blackmail, we are offered a penalty of only \$2,000 fine or imprisonment for not more than one year.

I would ask the committee to adopt this amendment, raising the penalty to \$5,000 even and five years' imprisonment. [Applause on the Democratic side.]

Mr. MOON of Pennsylvania. What the gentleman from New York [Mr. HARRISON] says in regard to the broadening of this law by the Commission and the committee is true. Section 5484 refers to the person who shall receive any money or other valuable thing under a threat of informing or as a consideration for not informing against any violation of the internal-revenue law. The committee felt that that provision ought to extend to any person attempting a threat in order to receive money or informing against any violation of the law of the United States. It was broadened in that respect. The committee, however, after careful consideration, did not see any reason why the penalty should be broadened, why it was not as great an offense to commit this violation against the internal-revenue law as it was against any other law. In its deliberation and in its wisdom it saw no reason at that time for increasing the penalty. I see no reason now.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. HARRISON].

The question was taken, and the Chair announced that the "noes" seemed to have it.

Mr. HARRISON. Division, Mr. Chairman.

The committee divided, and there were—ayes 40, noes 74.

So the amendment was rejected.

The Clerk read as follows:

SEC. 147. [Whoever, having knowledge of the actual commission of the crime of murder or other felony cognizable by the courts of the United States, conceals and does not as soon as may be disclose and make known the same to some one of the judges or other persons in civil or military authority under the United States, shall be fined not more than \$500 or imprisoned not more than three years, or both.]

Mr. COX of Indiana. Mr. Chairman, I move to amend by inserting the word "willfully" after the word "States," line 1, page 72.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 72, line 1, after the words "United States," insert "willfully."

Mr. COX of Indiana. Mr. Chairman, it strikes me that the language of the section just read is, indeed, very broad and far-reaching. Before an individual can be convicted of any crime there ought to be some evil intent accompanying the crime committed by the party. In fact, as I understand the law, you can not have a crime unless it be accompanied

by an evil or a guilty intent. Now, the language of the statute is:

Whoever, having knowledge of the actual commission of the crime of murder or other felony cognizable by the courts of the United States, conceals the same or fails to make it known to the officer of a United States court, etc.

Mr. Chairman, I am able in my own mind to conceive of a state of facts where a person might be cognizant that a crime had been committed and at the same time have no intention to violate this section of the statute. It strikes me that the language set out in this section of the statute is broad enough to make a parent—a father or a mother—amenable to this section of the statute for failing to convey information to a United States court or some other authority that the crime of murder or some other crime had been committed. The presumption of law is that parents always give their children sound, logical, moral advice. Under this section of the statute I believe that it is broad enough to make a parent amenable to this statute if the parent would fail to notify the proper authorities that his own child had committed the crime of murder or some other crime against the laws of the United States.

Mr. RUSSELL of Missouri. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Indiana [Mr. Cox] yield to the gentleman from Missouri [Mr. RUSSELL] for a question?

Mr. COX of Indiana. Yes, sir.

Mr. RUSSELL, of Missouri. I am in favor of the amendment that the gentleman offers. At the same time it seems to me that the suggestion he makes would not cure the objection made—that is, the fact that it might apply to a father or mother who might conceal the guilt of his or her child. Would the amendment that the gentleman offers change the law in that regard?

Mr. COX of Indiana. I believe it would, Mr. Chairman, for the reason that it would impose upon the Government seeking to convict anyone who had violated this section of the statute the additional burden of proving that it was a willful concealment on the part of the person, and that is one of the objects of the amendment. It is to impose the burden of proof that it was a willful concealing on the part of the person who is charged with concealing the offense. I believe the amendment ought to be adopted.

Mr. MOON of Pennsylvania. Mr. Chairman, a reading of this section will show that it is first necessary for the person who could be charged under it to have knowledge of the actual commission of the crime, and that it is the policy of the Government in existing law to place upon that man the burden of disclosing as soon as may be, or to make known to some one of the judges, the location of that person if he has escaped. And it would be obviously against the purpose of this law, therefore, to include the word "willfully" where the amendment seems to call for it to make it necessary that he should willfully conceal, where the policy of the law requires absolute disclosure on his part. Therefore I object.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. RICHARDSON. Mr. Chairman, I desire to call the attention of the chairman and members of the committee to these words included in this section, "conceals and does not as soon as may be disclose and make known."

We have, Mr. Chairman, in all the courts of this country, State and Federal, a plain definition and a substantial understanding of what a "reasonable time" is; but I do not know of any construction of any court that gives a full definition of what "as soon as may be" means. I move, Mr. Chairman, to strike out, on page 72, commencing with the beginning of line 2, the words "as soon as may be" and substituting therefor the words "within a reasonable time."

The Clerk read as follows:

Page 72, line 2, strike out the words "as soon as may be" and insert in lieu thereof "within a reasonable time."

Mr. RICHARDSON. Mr. Chairman, if I were to call upon the chairman of the committee now to define what would be the length of time that would be implied in the words "as soon as may be," he would find it quite difficult to define it, because it would depend upon a variety of acts of our life whether the man required would be prepared or not to fairly comply with the duty imposed under the construction given by some court of the meaning of "as soon as may be." But when you put it in the form of "a reasonable time" we know what that means. It seems to me that you are giving to a court a very great deal of discretion which it ought not to exercise under the use of the words "as soon as may be." Why, what does that mean?

It means in its ordinary acceptance that the information required must be given without delay. Ordinary business matter will not excuse delay. What definition does the committee give it? What explanation have they to give that make the words "as soon as may be" superior in meaning to "within a reasonable time?"

Why, I could stand here and imagine incident after incident when a court might say it was within your power to come in and give this information at once, when probably the court would not understand what were all the incidents and circumstances and conditions that environed you at that time or the man that was to be punished for not complying with the mandate. What demand of justice requires that such an exacting limitation shall be injected into our criminal statutes? No statute ought to impose unreasonable requirements to ensnare and punish even a thoughtless but innocent citizen. Since the time courts were organized the words I offer to substitute—"within a reasonable time"—have been understood by the courts and by the people. I would be glad if the chairman of the Revision Committee will point to me in this extensive revision of the Statutes of the United States that he has so laboriously and studiously framed any other place that the words "as soon as may be" have been inserted in the statute. A man may do a thing "within a reasonable time" and have the judgment of a fair court in his favor to that effect, while another judge might, and could, say, "You became possessed of this criminal knowledge on a given day and the statute requires you to communicate that knowledge to some judge or other official of the United States court 'as soon as may be.' You certainly could have come to such official during the day you acquired the knowledge. You did not, and hence you are guilty."

Mr. HOUSTON. I am of the opinion, Mr. Chairman, that the amendment offered by the gentleman from Alabama will materially alter the clause in a way that would not be wise. When you say that he shall disclose this knowledge "within a reasonable time" you may impose perhaps an impossible duty on the party. "As soon as may be" is a legal phrase, and carries with it not only a reasonable time, so far as time is concerned, but carries with it an opportunity to make the disclosure.

Mr. RICHARDSON. Will my distinguished friend from Tennessee give me a definition of what he means by "as soon as may be?" How would you limit it?

Mr. HOUSTON. It is difficult to do that; but it has an accepted meaning and is used in the law books. It strikes me that "as soon as may be" implies that the party shall disclose it in a reasonable time if the opportunity is presented.

Mr. RICHARDSON. The term "as soon as may be" is not so applicable in criminal proceedings as "within a reasonable time." This seems plain to me. If "as soon as may be" means a reasonable time, then I distinctly prefer the reasonable time. In statutes which impose penalties and punishment we should always be careful to use terms and words most easily and best understood.

Mr. HOUSTON. I think the words "as soon as may be" would be better, because they would not require an impossible performance. "As soon as may be" implies as soon as one reasonably can or is able to.

Mr. KIMBALL. I would like to ask the gentleman whether Bouvier, Anderson, or anybody else who has ever undertaken to give us an understanding of technical legal terms has ever defined or undertaken to say what the term "may be" means?

Mr. HOUSTON. Well, I can not just now refer the gentleman to the definition of the phrase, and I doubt if he will find it; but I think it has a meaning that is clear and patent and would be plainly understood in this statute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. RICHARDSON. Division!

The committee divided, and there were—ayes 37, noes 52.

So the amendment was rejected.

The Clerk read as follows:

SEC. 162. [Whoever, within the United States, or any place subject to the jurisdiction thereof, except by lawful authority, shall have control, custody, or possession of any plate, stone, or other thing, or any part thereof, from which has been printed or may be printed any counterfeit note, bond, obligation, or other security, in whole or in part, of any foreign government, bank, or corporation, or shall use such plate, stone, or other thing, or knowingly permit or suffer the same to be used in counterfeiting such foreign obligations, or any part thereof; or whoever shall make or engrave, or cause or procure to be made or engraved, or shall assist in making or engraving any plate, stone, or other thing, in the likeness or similitude of any plate, stone, or other thing designated for the printing of the genuine issues of the obligations of any foreign government, bank, or corporation; or whoever shall print, photograph, or in any other manner make, execute, or sell, or cause to be printed, photographed, made, executed, or sold, or shall aid in printing, photographing, making, executing, or selling, any engraving, photo-

graph, print, or impression in the likeness of any genuine note, bond, obligation, or other security, or any part thereof, of any foreign government, bank, or corporation; or whoever shall bring into the United States, or any place subject to the jurisdiction thereof, any counterfeit plate, stone, or other thing, or engraving, photograph, print, or other impressions of the notes, bonds, obligations, or other securities of any foreign government, bank, or corporation, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Mr. COCKRAN. Mr. Chairman, for the purpose of bringing before the committee what appears to be a change in existing law of some importance, I move to strike out the words "or other thing," on page 82, line 13.

I should like to learn from the chairman of the committee the object of inserting a provision of such sweeping significance, whether occasion for it has arisen in the ordinary administration of government? I suggest that under this language a person having in his possession printer's ink of the same quality or character as had been used in the perpetration of such forgeries as are here described might be liable to prosecution. At least such is the impression it makes on a first reading. I should like to know from the chairman of the committee if he had fully weighed the significance of this language before the committee decided to employ it.

Mr. MOON of Pennsylvania. I will say to the gentleman from New York that the committee did give that very careful consideration. They were informed by the Department that new processes were constantly being employed by the counterfeiters in counterfeiting the securities of the United States; that in the ingenuity, skill, and scientific knowledge of the men engaged in defrauding the Government they sometimes outran the ingenuity of the lawmakers who were engaged in its protection. Therefore we included the words "or other things" to cover any other device that might be used for that purpose.

I think the gentleman will see that printer's ink could not be held to be included in the words "or other things," because these words refer to plates, stones, or other things from which have been printed or may be printed any counterfeit notes, etc. The gentleman is aware of the law of legal construction by which such words as "or other things" would be construed to mean things of the character of those that have been enumerated in the section—similar things. The committee gave the matter careful consideration and felt that this language was necessary for the full protection of the Government.

Mr. COCKRAN. The gentleman from Pennsylvania having stated that the committee has given this matter careful consideration, I withdraw the amendment.

The CHAIRMAN. The amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 202. Whoever shall knowingly and willfully obstruct or retard the passage of the mail, or any carriage, horse driver, or carrier, or car, steamboat, or other conveyance or vessel carrying the same, shall be fined not more than \$100, or imprisoned not more than six months, or both.

Mr. OLLIE M. JAMES. Mr. Chairman, I move to strike out the last word. While we have penalties provided against sending through the mail a certain character of literature, I desire to send to the Clerk's desk and have read from an afternoon paper of this city an article about a Member of this House, and I desire to ask whether or not there ought not to be some penalty for the dissemination of such literature through the United States mail.

The CHAIRMAN. Without objection, the communication will be read.

There was no objection.

The Clerk read as follows:

"IRON MAN" GAINES DANCES ALL NIGHT—IS AT WORK EARLY.

In the make-up of JOHN WESLEY GAINES of Tennessee, long-distance talker of the House of Representatives, there is no such thing as laziness.

He sends the sluggard to the ant and denounces by his conduct the ways of the sloth. He proved all this to-day.

Last night Mr. GAINES was at the Southern Relief ball. Amid the strains of violins that sobbed of romance and hearts and love, he spoke glittering generalities and dazzling compliments to the fair womanhood of the South. His damask hair, unprofaned by a hint of brown or black, moved with the gentleness of a benediction among the dancers, and when he bowed, its soft masses touched like a new poem on snow the lily hand of some radiant belle. He arrived early and stayed late. Cupid had the Mars of legislative debate in subjection and led him from beauty to beauty for many hours. GAINES did not go to bed until this morning.

But he scorned a long and resting slumber. He was no wearied macaroni, no exhausted dandy who needs must sleep away the day.

At 7 o'clock he was eating his breakfast. At 9 o'clock he adorned a Government Department by going there on some errand that required the ornateness of his presence with a bureau chief. At 9.30 he was in his office on Capitol Hill, touching with tender skill some minor matters of State before the House should convene.

Therefore it is established that he is not a lazy man. He can dance all night and work all day. O, woman! where is thy victory? O, Cupid! where is thy sting?

[Great laughter.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

Mr. SIMS. What was the ruling of the Chair as to the article being nonmailable?

The CHAIRMAN. The Chair was not requested to rule upon that, but the gentleman from Kentucky asked that the question should be submitted to the committee. [Laughter.]

The Clerk read as follows:

SEC. 212. Every obscene, lewd, or lascivious book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed, adapted, or intended for preventing conception or producing abortion, or for any indecent or immoral use, and every article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for preventing conception or producing abortion, or for any indecent or immoral purpose, and every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information directly or indirectly, where, or how, or from whom, or by what means any of the hereinbefore-mentioned matters, articles, or things may be obtained or made, or where or by whom any act or operation of any kind for the procuring or producing of abortion will be done or performed, or how or by what means conception may be prevented or abortion produced, whether sealed or unsealed, and every letter, packet, or package, or other mail matter containing any filthy, vile, or indecent thing, device, or substance, and every paper, writing, advertisement, or representation that any article, instrument, substance, drug, medicine, or thing may, or can be, used or applied for preventing conception or producing abortion, or for any indecent or immoral purpose, and every description calculated to induce or incite a person to so use or apply any such article, instrument, substance, drug, medicine, or thing, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post-office or by any letter carrier. Whoever shall knowingly deposit, or cause to be deposited for mailing or delivery, anything declared by this section to be nonmailable, or shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than \$500, or imprisoned not more than five years, or both.

Mr. HOUSTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Section 212, line 18, strike out the word "or," before the word "lascivious," and after the word "lascivious" add the words "vile, filthy, or indecent."

Mr. HOUSTON. Mr. Chairman, the object of this amendment is to cure a defect that I think exists in the present law. Under the decision of the Supreme Court it has been held that these terms "obscene, lewd, or lascivious" refer only to sexual impurities or matters pertaining thereto. Now, there are a great many vile, filthy, and indecent articles not relating to that subject that are transmitted through the mails. We, the committee, have had these things before us, and we have had the information from the Department as to the character of many things not inhibited by existing law. Many of them are not covered by these words, but they ought to be prohibited and they will be by this amendment.

Mr. PAYNE. I would like to call the attention of the gentleman to the words in lines 19 and 20, "or other publication of an indecent character." Would not that cover the same thing that the gentleman's amendment seeks to cover?

Mr. HOUSTON. We discussed that matter, and it was thought that these words would go far enough, but I did not think so, nor did the Department think so. They wanted the language to be broader. As I remember it, the amendment I have offered is in keeping with the report of the Commission.

Mr. PAYNE. The language of the gentleman's amendment, I think, is entirely in keeping with the language in line 20. I doubt if it enlarges it any, but it is in the same direction.

Mr. HOUSTON. I think it is necessary under the holding of our court. This provision should be specific, and these words will make the language of the section plain and specific.

Mr. PAYNE. I did not rise with the idea of making any objection, but only to suggest that it was covered by language already in the bill. I have no objection to the amendment.

Mr. MOON of Pennsylvania. I will say on behalf of the committee, Mr. Chairman, that we gave this section very careful consideration. We spent a long time endeavoring to cover this entire ground. We had communications from the Post-Office Department, and we had persons before us, and after a careful and exhaustive examination we felt that the language in this section did cover the ground effectually. On behalf of the committee I can not accede to this amendment. I think what the gentleman from New York says is true, that existing language covers that particular point.

Mr. ALEXANDER of New York. But there can be no objection to the amendment?

Mr. MOON of Pennsylvania. The gentleman means that there is no objection that matters of this kind ought to be excluded.

Mr. ALEXANDER of New York. I ask if there is any objection to inserting the amendment offered by the gentleman from Tennessee.

Mr. MOON of Pennsylvania. Except that it is sufficiently covered in the section as it now stands.

Mr. ALEXANDER of New York. The gentleman from Tennessee [Mr. Houston] thinks it may not be, and there can not be any objection to having it sufficiently covered.

Mr. MOON of Pennsylvania. I would say to the gentleman that the committee spent a great deal of time upon the word, considering the advisability of adding the word "indecent" in this section. This word has such a broad signification and means such different things to different people—that is, so many persons consider some things indecent that others do not—that we deemed it wise to let the section stand as it is. The gentleman knows that a great deal of agitation has been going on throughout the country as to the signification of this word as applied to literature, and some books have been excluded, from some libraries on the action of a committee because they deemed those books indecent, when, as a matter of fact, they were the current literature of the day. I recall particularly that the books of Mark Twain were excluded from a library in the East upon the ground that they were indecent, when, as a matter of fact, they are introduced freely and are welcomed in almost every household in the country. We, at the time that we were considering this section in committee, concluded that the introduction of the word here would open such a broad field for construction on the part of judges and of the post-office authorities in the application of criminal statute that it was unwise to use it in the connection suggested by the gentleman from Tennessee. If the gentleman from New York [Mr. Alexander] asks whether there could be any objection to excluding from the mails all kinds of obscene literature, of course there can be none, and this committee will offer no objection to any amendment that will make that more clear, but they do not think the method proposed by the amendment will accomplish the purpose.

Mr. SHERLEY. Mr. Chairman, in further answer to the gentleman from New York [Mr. Alexander] I think there are very serious objections to the amendment offered by the gentleman from Tennessee [Mr. Houston]. Unfortunately in legislation the thing desired by a man is frequently very foreign from what is accomplished by the particular language used. Now, all of us are in hearty accord with the desire of the gentleman from Tennessee [Mr. Houston] to protect the mails and the people from indecent and impure literature, but some of us who have taken the trouble to look into the history of this section and the matters that have been litigated in the courts know that there is a very great danger by the use of such words as are suggested by the gentleman's amendment of giving to the Post-Office Department a censorship of the press. In furtherance of what the gentleman from Pennsylvania [Mr. Moon] said, I remember that Mark Twain's book of *Eve's Diary*, as I recall the title—I think that is the title of the book—was excluded from the Boston Library because the trustees of that institution considered it an indecent book. Now, that is simply an illustration of what will be possible under this statute if amended as suggested. The word "indecent" put in front of the word book would be open to such construction as would practically enable the Department to exercise a censorship over the press, and while I think that perhaps we should take some steps looking to a better exclusion of improper literature from the mails, we ought to be exceedingly careful that we do not use language that simply enables the Department or some person in the Department to exclude books that may not appeal to him or her.

Mr. ALEXANDER of New York. I desire to ask this question: Does the Department approve of the amendment of the gentleman from Tennessee [Mr. Houston]?

Mr. SHERLEY. I do not recall that the Department offered these words as an enlargement of the statute. It is true that Mr. Comstock appeared before our committee. He has been actively engaged in prosecuting violations of existing law, and has done very valuable work, but Mr. Comstock, like a great many gentlemen engaged in a special line, is apt to become just a bit extreme, and his view, if it had been adopted by the committee, would have given to the Department powers that could and would have led to great abuses. The committee has tried to make this section properly fulfill its mission without so enlarging it as to give to that Department the power to exclude a great many publications that the majority of men do not consider immoral or indecent.

Mr. ALEXANDER of New York. I would like to say to the gentleman from Kentucky [Mr. Sherley] that this matter has been up once, possibly twice, before the Judiciary Committee. I should not want to see the Department's power of censorship extended, but I did think, as I heard the words read from the amendment of the gentleman from Tennessee, that this touched a phase of the question that had not been presented to us in

the Judiciary Committee, and that possibly it might be a good thing to have it inserted; but if the gentlemen have studied it already, why that is a very different matter.

Mr. LITTLEFIELD. I would like to make an inquiry of the gentleman from New York.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. I yield to the gentleman from Maine.

Mr. LITTLEFIELD. What phase of this legislation has been pending before the Judiciary Committee in any other than the fraud-order law?

Mr. ALEXANDER of New York. It came up in the discussion growing out of the Crumpacker bill.

Mr. LITTLEFIELD. Yes; the fraud-order law.

Mr. ALEXANDER of New York. Yes.

Mr. LITTLEFIELD. It did not involve these specific propositions. My recollection agrees with that of the gentleman.

Mr. ALEXANDER of New York. Yes.

Mr. SHERLEY. In further answer to the suggestion of the gentleman from New York [Mr. Alexander] I desire to say the committee did consider this section at great length, not only for one day, but for several days, and the final judgment of the committee was against the insertion of these words, though it was understood at that time that the gentleman from Tennessee would bring the matter to the attention of the Committee of the Whole House.

Mr. PAYNE. Would it interrupt the gentleman if I should ask to have the Clerk read the first four lines as the paragraph would be amended by the gentleman from Tennessee?

The CHAIRMAN. Without objection, the Clerk will report the amendment as requested.

The Clerk read as follows:

Every obscene, lewd, vile, filthy, or indecent book—

Mr. PAYNE. I want to say, if the gentleman will allow me, comparing the two, I think the language of the committee is better than that of the gentleman from Tennessee. I do not think he enlarges it.

Mr. HOUSTON. I want to call the attention of the gentleman from New York to the fact that the Clerk did not report the amendment correctly.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Every obscene, lewd, lascivious, vile, filthy, or indecent book, pamphlet, picture, paper, letter, etc.

Mr. SHERLEY. It is proper to say to the Committee of the Whole that the courts in construing the words "obscene, lewd, or lascivious," have narrowed those words within a very small compass. There is no doubt the amendment offered by the gentleman from Tennessee will considerably enlarge the statute, and my opposition to it is because it will enlarge the statute, not that I am opposed in the slightest to preventing the going through the mails of books which are really immoral, but I am not willing to have language capable of the construction that those words are, particularly the word "indecent," to go into the statutes, and thereby give the Postmaster-General and those under him the power to exercise what I believe to be a censorship over the press.

Mr. LITTLEFIELD. May I ask the gentleman from Kentucky, is it not a fact your section already contains language that in order to be consecutive and intelligible should have those words put in the preceding part of your section? You say in line 22 here, "or for any indecent or immoral use." Now, that is the first time in your section that the word "indecent" occurs.

Mr. SHERLEY. But, if the gentleman will notice, the word "indecent" here is qualified by the word "use," so that it becomes very narrow. When you speak of an indecent book there are as many opinions as people discussing the matter, and there have been hundreds of books published within the last year or two that you could find a dozen opinions about as to whether they were or were not indecent books. That does not apply to "indecent use." There the word "indecent" is limited, but here, if placed in front of the word "book," it becomes very broad.

Mr. LITTLEFIELD. That same criticism to a certain extent is applicable to "obscene, lewd, and lascivious."

Mr. SHERLEY. The courts have construed those words so as to apply only to a certain line—

Mr. LITTLEFIELD. And we simply take chances under this legislation of getting the same kind of conservative construction

on the part of the courts of the language suggested. Of course, it is broader; I agree that it is broader.

Mr. SHERLEY. Inasmuch as you are broadening the statute, if the courts shall undertake, in execution of the will of Congress itself, to construe what the words meant, it would be that it was intended to give greater power, a much greater power.

Mr. LITTLEFIELD. I do not think the language of the section would be open to that construction.

Mr. GAINES of West Virginia. Does the gentleman think that this section embraces two propositions which ought to be separated? The first part of the section down to line 21, on page 110, provides that certain classes of publications shall be unavailable; that is to say, shall be excluded by the Department from the mails. Now, I think we all agree that that ought not to be enlarged. I think there is a pretty general feeling in this House that the power of the Post-Office Department to control literature and to control the business of citizens of the country ought to be curtailed rather than enlarged. Then comes the second part of this section, from line 21 on page 110, which provides for punishment for anyone who mails matter of that sort. I should be very glad if the proposition were brought in here, not enlarging the power of the Post-Office Department, but enlarging the power of the courts to punish upon indictment and prosecution. I should be very glad to vote for that sort of a proposition, and I do not think that in Committee of the Whole we ought to undertake to amend this sort of a proposition in the manner suggested.

Mr. SHERLEY. If the gentleman will permit, there is another amendment that will come up for consideration later on, looking to the elimination of certain words that require an element of proof hard to supply—that is, the words “for the purpose of circulating,” etc.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of West Virginia. Mr. Chairman, I ask that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. The requirement that a man shall only be convicted upon proof that he has taken prohibited mail matter or caused it to be taken from the mails for the purpose of circulating or disposing of it will be eliminated if this subsequent amendment is adopted, and I, for my part, am in favor of the elimination of it. There has been a failure of justice due to the inability of the Department to show that the matter was taken from the mails for this purpose. But that is an entirely different matter, as suggested by the gentleman, from the enlargement of the language as to what books may be excluded from the mails.

Mr. GAINES of West Virginia. I think that we are all in practical accord with the gentleman from Tennessee [Mr. Housron] in believing that persons who mail such matter shall be punished in the courts, but that we do not want to do anything now which would enlarge the discretion of the Post-Office Department in this connection.

Mr. SHERLEY. The gentleman will understand that it would be absolutely wrong to say that a man should be punished for mailing something that we permitted to go through the mail.

Mr. GAINES of Tennessee. Has he not a right to appeal to the courts?

Mr. GAINES of West Virginia. I think a man may very well be punished when no authority, without a trial to exclude, should be lodged in a Department. It is not a question of what the man is permitted to do that I am dealing with. It is a question of what authority the officers of the Post-Office Department should have over the right of a citizen to use the mails. Let him be free to use the mails, perhaps more free than he is now, subject to responsibility if he abuses the privilege.

Mr. SHERLEY. I see the gentleman's point, and what he is fearful of is what I also fear, the power of the Department, but I suggest also that it is not proper that we should ever punish a man for mailing something that we permit to be mailed. In other words, the crime consists in sending through the mail something that ought not to go through. Now, if you are going to punish him for doing it, you ought not to permit the doing of it, because prevention is better than punishment. The trouble with the amendment of the gentleman from Tennessee [Mr. Housron] is that it applies to the word “book.” The adjective “indecent” is subject to such construction that no man can know how far the law would go. For that reason I am opposed to this amendment.

Mr. GAINES of West Virginia. I have no objection to declaring that matter of that sort shall not be mailable. I agree

with the gentleman from Kentucky [Mr. SHERLEY] that a man should not be punished for doing that which we permit to be done; certainly we could not punish him for doing a thing which we make it lawful to do; but I deny that the officials of the Post-Office Department should have the right to exercise a censorship of these matters in the first instance. The question of whether a man is responsible is one thing, and the right of an executive officer to pass upon what he may do is another.

Mr. SHERLEY. That is true; but unless the Department has power to exclude from the mail, how are you going to exclude them from the mail?

Mr. GAINES of West Virginia. Just as a man is free to assault somebody.

Mr. GAINES of Tennessee. I want to ask the gentleman from Kentucky [Mr. SHERLEY] if the person aggrieved under this section has the right to appeal to the courts?

Mr. SHERLEY. So far as the section is concerned—

Mr. GAINES of Tennessee. Can you appeal from the decision of the Department?

Mr. SHERLEY. If you enlarge the language here, it gives the Department power to exclude books they consider as indecent from the mail.

Mr. GAINES of Tennessee. Have we not passed some law here recently that gives the right to appeal to the courts?

Mr. SHERLEY. As I understand it, we passed through the House a bill that gave the power to the court to review the action of the Department, but that has not become a law.

Mr. LITTLEFIELD. May I ask the gentleman from Kentucky [Mr. SHERLEY], who represents the committee, whether or not, in his opinion, if the Postmaster-General wrongfully exercised his discretion and undertook to exclude matter that was mailable under the provisions of law, would or would there not be a remedy by undertaking to use the mail, by mandamus?

Mr. SHERLEY. I am inclined to think, as the law exists now, there would not, because the courts have held that such action exercised under the discretion vested in the Department was not reviewable by the court.

I certainly think there always ought to be a remedy for the citizen when the Department rules against his right to use the mails.

Mr. LITTLEFIELD. Then your impression of the authorities is that as the matter stands the court would not maintain a petition of mandamus for wrongful exercise of discretion on the part of the Department.

Mr. SHERLEY. I recall to the gentleman the status of the law, as he will remember, as it relates to the exclusion of an individual from the use of the mails. You remember we had that matter up last Congress.

Mr. LITTLEFIELD. The fraud-order proposition?

Mr. SHERLEY. Yes, the fraud-order proposition. There the courts have held the action of the Department in determining what was not admissible was not reviewable by the courts, so that a man has no relief.

Mr. MANN. The gentleman will state in all fairness, as I know he would, that the Post-Office Department has stated that their orders are reviewable by the courts, and that the courts have not held that they were not subject to review, as I understand it.

Mr. LITTLEFIELD. By way of mandamus or other process.

Mr. SHERLEY. I do not mean to state the position of the Department, but my understanding of the law is that the court has no review in the full sense of the word. In other words, they can not review the facts and determine whether the Department has properly exercised the powers given to it.

Mr. MANN. Well, on the other hand, the Department says that there is no question about the power of anyone who thinks he is wronged by a ruling of the Department to go into court and upon presentation of the facts have an order issued overruling the order of the Department and requiring the admission to the mails of that which has been ruled out. That is the position of the Department.

Mr. FITZGERALD. The fact is, regardless of the view of the Department, efforts have been made to get the action of the Department reviewed, and the courts have refused action because the court had no power.

Mr. MANN. The gentleman may be familiar with such cases, but I am not.

Mr. FITZGERALD. In the fraud-order case; and this House passed a bill conferring that power specifically on the courts, but it failed to pass.

Mr. MANN. Stating it more accurately than the gentleman, the House passed a bill for the purpose of conferring that power upon the courts, but this House has no power to pass a bill that confers power upon the court without the

other coordinate branch of Congress, and it did not confer the power, and it is not the law. And if this proposition comes before this House again I hope I may have the opportunity to present to the House reasons and examples which I think ought to condemn any such proposition.

If the gentleman will take occasion to investigate the fraud orders issued by the Post-Office Department, and the reasons for those fraud orders, he would know that the Post-Office Department through these orders have shut out, from the use of the mails some scheming rascals, some of whom live in my town, some of whom live in the town of the gentleman from New York, and some in the State of the gentleman behind me, who are ready to go into another part of the country, always changing from one name to another, and from one scheme to another. You can not harrass them in the criminal court at all. That would not shut them out from entering into other schemes. The only way to reach these scoundrels is to deprive them of the use of the mails.

The Post-Office Department has become familiar with some of the men of that class who change overnight their names and their locations, and knows how to meet them. I believe that people throughout the country are entitled to protection from that kind of men. I believe that the honest people are entitled to protection from fraudulent schemes of these men who live by their wits and not by work. I would not restrict the power that exists there now in the slightest degree. I believe, and as I am informed I have the right to believe, that anyone has the privilege of going into court and present his case; and if he can obtain competent evidence he can get justice. The trouble as to the matter of there being no adjudication is, while these men who have been shut out by the Post-Office insist to Congress that they have no remedy in court, they can to-day go into court and ask a remedy upon the facts. They have no desire to have the facts presented to the court.

Mr. HAYES. I desire to ask the gentleman if he does not know that the Post-Office Department will exclude matter from the mails without giving the parties who send it even notice that it is to be excluded.

Mr. MANN. Mr. Chairman, on the contrary, it is the universal practice of the Post-Office Department, unless they have already shut out a class of people whom they know professionally, whom they know change from one place to another—and in that case they do not always wait to give them notice—it is the universal practice of the Post-Office Department not only to give notice, but to give a hearing, before they shut a man out from the use of the mails; and I dare say that no honest man has ever been deprived of the use of the mail without a hearing.

Mr. HOUSTON. Mr. Chairman, this discussion has taken rather a broad range. In regard to the power to be vested in the Post-Office Department, that is not especially pertinent to this discussion. This is simply the enactment of a penal statute making certain things unlawful, describing certain offenses against the penal laws of the United States. This does not involve the question that the Post-Office Department might exercise an oppressive power, or a discussion of the extent to which that power might be oppressive. The authority and the power is already involved just as much as it can be by the addition of the words that I have offered by way of amendment. It is already unlawful to publish any obscene, lewd, or lascivious books. You talk about the Post-Office Department having authority and power to suppress publications of certain kinds and character. There are a great many publications that ought to be suppressed to the extent of being forbidden to be transmitted through the United States mails, such as all those matters that relate to sexual impurities and others that would be included by this amendment. Perhaps some of the books referred to by the gentleman ought not to be transmitted through the mails. I do not recall the ones that come within that category.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. HOUSTON. In a moment; but I say that the power is here given to pass upon a book and to determine whether or not it is lawful to pass it through the mail. That power exists now as to those things forbidden and made penal by this statute—that is, those things relating to sexual impurities. But if it does not relate to sexual impurity, but to some vile, indecent, hideous, shocking kind of immorality or indecency of a different kind, then it is not forbidden, then it is not prohibited from passing through the mails; and I want to say that these words that I have offered by way of amendment do enlarge that statute so as to embrace these other vile things.

In response to the gentleman from New York, who asked if the words in line 20 did not already give this same power, I want to say that these words "or other publication of an indecent character," according to the holdings of the court in

cases of that kind relate to similar matters, things of a similar character, and have been held to relate to matters concerning sexual impurities. Now, these other things ought to be prohibited just the same. I want to call attention to the language of the penal code of New York in forbidding the sale of certain articles along this line.

The articles that are forbidden to be sold are:

Any obscene, lewd, lascivious, filthy, indecent, or disgusting book.

That is broader than this Federal statute a good deal. It is none too broad. I think this law ought to be broadened. I think it is necessary to broaden it if you would prevent other vile and indecent things going through the mails except the particular class that the courts now hold to be excluded and that I have alluded to.

Mr. PARSONS. I wish to suggest to the gentleman from Tennessee, my colleague on the committee, that there has been a recent decision by the court of appeals of New York which holds that the words of the section that he has just read apply only in a case where sexual impurity is suggested, and that those words are confined to about the same meaning that they are here confined to.

Mr. HOUSTON. Do you mean the words contained in my amendment?

Mr. PARSONS. The words you just read from the New York Code.

Mr. LITTLEFIELD. It makes those words substantially synonymous with "obscene and lascivious."

Mr. PARSONS. It make them substantially synonymous; yes.

Mr. LITTLEFIELD. If that were the correct construction, this would not enlarge the act at all.

Mr. PARSONS. I also wish to suggest to the gentleman from Tennessee that his words do not enlarge the act; that a Federal court has decided that the word "obscene" in this section includes what is indecent or filthy.

I will refer him to the United States against Smith, 45 Federal Reporter, page 477.

Mr. LITTLEFIELD. Then the act is subject to all the adverse criticisms made by the committee?

Mr. SHERLEY. Mr. Chairman, I do not agree to that proposition at all.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SHERLEY. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Kentucky asks that the time of the gentleman from Tennessee be extended five minutes. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman, in answer to the question by the gentleman from New York and the gentleman from Maine, I desire to say that if the words do not enlarge the statute they are useless; if they do, I think you are going beyond where we can safely go. All of us are agreed that we want to exclude from the mail an indecent book; but you can not get any agreement among us as to what is an indecent book. Some might think that Fielding's Tom Jones ought not to go through the mails, while the rest might think it was one of the classics in the English language and should go through. There is the danger of using the word "indecent" as applied to a book.

Mr. HOUSTON. I think that all that criticism applies to the statute as it now stands and as fully as it could with the amendment when it would be the same subject added to the one.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken, and on a division there were—ayes 41, noes 21.

Mr. STAFFORD. No quorum, Mr. Chairman.

Mr. GAINES of Tennessee. Mr. Chairman, is that announcement of no quorum in a proper form?

The CHAIRMAN. The Chair thinks that that is the form. The point that no quorum has voted can not be made under the rules of the House, but the proper way is to make the point that no quorum is present.

Mr. BRODHEAD rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BRODHEAD. I rise to offer an amendment.

The CHAIRMAN. The gentleman can not offer an amendment now. The Chair is undertaking to ascertain if a quorum is present.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

Mr. STAFFORD. Mr. Chairman, I would like to make a motion for tellers.

Mr. LITTLEFIELD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. LITTLEFIELD. I want to understand how the record stands. Does the record show that the amendment was adopted and the committee has risen?

The CHAIRMAN. The House was dividing.

Mr. LITTLEFIELD. Did not the Chair declare the result?

The CHAIRMAN. The Chair had declared the result when the point was made that no quorum was present, and that vacates the vote. The committee is now dividing, and the gentleman from Pennsylvania has moved that the committee do now rise.

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Would it be too late to ask for a division on the assembling of the committee when the committee next meets?

The CHAIRMAN. The division will be taken immediately, and on that tellers may be demanded. When the committee next meets it will take up the division.

The motion of Mr. Moon of Pennsylvania was then agreed to. Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11701, the codification of the criminal laws, and had come to no resolution thereon.

BRIDGE ACROSS COOSA RIVER, ALABAMA.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13102) to authorize the County of Elmore, Ala., to construct a bridge across the Coosa River, Alabama.

The Clerk read the bill, as follows:

Be it enacted, etc., That the county of Elmore, Ala., be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Coosa River at or near Wetumpka, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. HEFLIN, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 251. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved February 6, 1907.

H. R. 4891. An act to authorize the city of Burlington, Iowa, to construct a bridge across the Mississippi River.

H. R. 10519. An act to authorize the Nashville and North-eastern Railroad Company to construct a bridge across the Cumberland River at or near Celina, Tenn.

COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES AND GERMANY.

The SPEAKER laid before the House a message from the President of the United States, which, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed.

[For message, see Senate proceedings of this day.]

ADJOURNMENT.

Then, on motion of Mr. Moon of Pennsylvania (at 5 o'clock and 2 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the chairman of the Sheridan Statue Commission, proposing an appropriation for the statue of Gen. Philip H. Sheridan—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of State, recommending legislation enabling the CONGRESSIONAL RECORD to be sent to the

French Chamber of Deputies—to the Committee on Printing and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a statement of expenditures of the contingent fund of the Department and general expenses of the Bureaus of Standards and Fisheries—to the Committee on Expenditures in the Department of Commerce and Labor.

A letter from the Secretary of the Navy, transmitting a statement of contingent expenditures of the Navy Department for the fiscal year ended June 30, 1907—to the Committee on Expenditures in the Navy Department and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lewid F. Martin, administrator of estate of Francis C. Martin, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Anastacio de Baca, administrator of estate of Francisco de Baca, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Smithsonian Institution, giving notification of a vacancy in the Board of Regents—to the Committee on the Library and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bills of the House H. R. 469 and H. R. 10461, reported in lieu thereof a bill (H. R. 14779) to transfer the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State, and to provide for sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said district, accompanied by a report (No. 322), which said bill and report were referred to the House Calendar.

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 14638) to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes, reported the same without amendment, accompanied by a report (No. 324), which said bill and report were referred to the House Calendar.

Mr. WILEY, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 104) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in Northern prisons and were buried near the prisons where they died, and for other purposes," reported the same without amendment, accompanied by a report (No. 325), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 3776) granting a pension to C. F. Schantz—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6047) granting a pension to Fred Wedegartner—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6052) granting an increase of pension to Daniel Smith—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14090) granting an increase of pension to Ruth E. Anderson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14101) granting a pension to Charles C. Howington—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14119) for the relief of Jephtha B. Harrington—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 14122) for the relief of Thomas J. Benton—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 14154) for the relief of Enoch Voyles—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 14212) to remove the charge of desertion against William R. Capwell—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 14229) granting a pension to Lina V. Dietz—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14323) granting a pension to Harry Lucas—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12964) granting a pension to Margaret Eleanor McCoy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14646) granting additional compensation to surviving Union soldiers and marines who were prisoners of war during the civil war—Committee on War Claims discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TAWNEY, from the Committee on Appropriations: A bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes—to the Union Calendar.

By Mr. MACON: A bill (H. R. 14767) to provide for a survey of the line between the States of Arkansas and Missouri, beginning at a point where the St. Francis River crosses said line and extending west to the thirty-fifth milepost, for the purpose of reestablishing said State line between said points—to the Committee on the Judiciary.

By Mr. CLARK of Florida: A bill (H. R. 14768) providing for an eight-hour workday in the Government Hospital for the Insane—to the Committee on the District of Columbia.

By Mr. PEARRE: A bill (H. R. 14769) to extend Ontario place NW., and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 14770) to provide for fixing a uniform standard of classification and grading of wheat, flax, corn, oats, barley, rye, and other grains, and for other purposes—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14771) to extend Hamlin and Sixth streets NE., and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 14772) prescribing what shall constitute a legal cord of wood in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JONES of Washington: A bill (H. R. 14773) providing for the jurisdiction of offenses against the property of the United States, and for other purposes—to the Committee on the Judiciary.

By Mr. McGUIRE: A bill (H. R. 14774) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for other purposes—to the Committee on Appropriations.

By Mr. SMITH of Michigan: A bill (H. R. 14775) providing for the opening of a minor street through square No. 801, in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 14776) providing for the opening of a minor street through square No. 878, in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 14777) providing for the opening of a minor street through square No. 1020, in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 14778) to provide for the erection of a public building at Agricultural College, Mich., and the establishment of a Weather Bureau station therein—to the Committee on Public Buildings and Grounds.

By Mr. STERLING, from the Committee on the Judiciary: A bill (H. R. 14779) to transfer the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State, and to provide for sittings of the United States circuit and district courts for the northern district of Florida, at the city of Gainesville, in said district—to the House Calendar.

By Mr. KAHN: A bill (H. R. 14780) to provide for the rapid defense of Pacific coast ports—to the Committee on Naval Affairs.

By Mr. HALE: A bill (H. R. 14781) to authorize Campbell County, Tenn., to construct a bridge across Powells River—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: A bill (H. R. 14782) authorizing

an examination and survey of Green River and Grand River, in the State of Utah, and making an appropriation for the improvement of the same—to the Committee on Rivers and Harbors.

By Mr. STEENERSON: A bill (H. R. 14783) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903—to the Committee on Militia.

By Mr. HUMPHREY of Washington: A bill (H. R. 14784) authorizing and directing the Secretary of the Navy to construct and equip subsurface or submarine torpedo boats to be stationed in the waters of Puget Sound, State of Washington, and for other purposes—to the Committee on Naval Affairs.

Also, a bill (H. R. 14785) authorizing and directing the Secretary of the Navy to construct and equip subsurface or submarine torpedo boats to be stationed in the waters of Puget Sound, State of Washington, and for other purposes—to the Committee on Naval Affairs.

By Mr. RICHARDSON: A bill (H. R. 14786) amending an act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Texas: A bill (H. R. 14787) to appropriate the sum of \$10,000 for equipping and maintaining a Weather Bureau observatory at Houston, Tex.—to the Committee on Agriculture.

By Mr. MORSE: A bill (H. R. 14788) for the relief of certain settlers upon the Wisconsin Central Railroad and the Chicago, St. Paul, Minneapolis and Omaha Railway land grants—to the Committee on the Public Lands.

By Mr. HUMPHREY of Washington: A bill (H. R. 14789) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902—to the Committee on the Territories.

By Mr. BELL of Georgia: A bill (H. R. 14790) to establish an assay office at Gainesville, Hall County, Ga.—to the Committee on Coinage, Weights, and Measures.

By Mr. GODWIN: Joint resolution (H. J. Res. 109) for an examination and survey of an inland waterway from Beaufort Inlet, North Carolina, to the Northeast Branch of the Cape Fear River, and thence to Wilmington, N. C.—to the Committee on Rivers and Harbors.

By Mr. ACHESON: Concurrent resolution (H. C. Res. 20) providing for the printing of 10,000 copies of report of engineers on proposed improvement of Ohio River—to the Committee on Rivers and Harbors.

By Mr. BEDE: Resolution (H. Res. 181) authorizing the appointment of Enoch Stahler as messenger in the House of Representatives—to the Committee on Accounts.

By Mr. WEEKS: Resolution (H. Res. 182) providing for payment of a session clerk to the Committee on Expenditures in the State Department—to the Committee on Accounts.

By Mr. O'CONNELL: Resolution (H. Res. 183) requesting certain information from the Secretary of War—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: Resolution (H. Res. 184) providing for the payment of a session clerk to the Committee on Expenditures in the Department of Agriculture—to the Committee on Accounts.

By Mr. WANGER: Resolution (H. Res. 185) providing for the payment of a session clerk to the Committee on Expenditures in the Post-Office Department—to the Committee on Accounts.

By Mr. MUDD: Resolution (H. Res. 186) providing for payment of a session clerk to the Committee on Expenditures in the Department of Justice—to the Committee on Accounts.

By Mr. AIKEN: Resolution (H. Res. 187) requesting certain information from the Secretary of State—to the Committee on Foreign Affairs.

By Mr. SAUNDERS: Resolution (H. Res. 188) providing for an inquiry into the methods of certain telegraph, postal cable companies, etc.—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 14791) granting an increase of pension to Henry Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14792) granting an increase of pension to Lucas B. Brewster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14793) granting an increase of pension to J. F. Caldwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14794) granting an increase of pension to Lydia E. Seley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14795) granting a pension to George Collins—to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 14796) granting a pension to John Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14797) granting a pension to Louisa Jane Houk—to the Committee on Invalid Pensions.

By Mr. ANDRUS: A bill (H. R. 14798) granting an increase of pension to Peter C. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14799) granting an increase of pension to Joseph Francis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14800) granting an increase of pension to Mrs. A. J. Maddock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14801) granting an increase of pension to Wilbur S. Benjamin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14802) to correct the military record of Charles W. Johnson—to the Committee on Military Affairs.

Also, a bill (H. R. 14803) to amend the military record of James C. Howard—to the Committee on Military Affairs.

Also, a bill (H. R. 14804) for the relief of John A. Raser—to the Committee on Claims.

By Mr. BENNET of New York: A bill (H. R. 14805) granting a pension to Anon H. Bradley—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 14806) granting an increase of pension to Nathaniel E. Murphy—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 14807) granting an increase of pension to Cornelius D. McCombs—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 14808) granting an increase of pension to Joseph B. Lyons—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 14809) granting an increase of pension to Thurlow W. Seward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14810) granting an increase of pension to Chauncey R. Lathrop—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 14811) granting an increase of pension to Andrew W. Lyman—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 14812) granting an increase of pension to John H. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14813) granting an increase of pension to Jasper L. Dodge—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 14814) granting an increase of pension to Eli Baldwin—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 14815) granting an increase of pension to Albert G. Beeson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14816) granting an increase of pension to Daniel Swigart—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 14817) granting an increase of pension to Susanna F. Franklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14818) granting an increase of pension to Roswell L. Nason—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 14819) granting an increase of pension to Ellenor E. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14820) granting an increase of pension to John Noble—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 14821) granting a pension to Charlotte Rockwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14822) granting an increase of pension to August Scheer—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 14823) granting an increase of pension to Silas W. Rider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14824) granting an increase of pension to John De Groff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14825) granting a pension to Alice G. Lewis—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 14826) granting an increase of pension to James A. Edmonds—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 14827) granting an increase of pension to Harriet Ann Long—to the Committee on Pensions.

Also, a bill (H. R. 14828) granting an increase of pension to Mahala Geren—to the Committee on Pensions.

Also, a bill (H. R. 14829) granting an increase of pension to Andrew J. Black—to the Committee on Invalid Pensions.

By Mr. GILLET: A bill (H. R. 14830) granting an increase of pension to Myron G. Watrous—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14831) granting a pension to Theodore E. Hamilton—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 14832) granting an increase of pension to Andrew D. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14833) for the relief of John W. Zoerb—to the Committee on Claims.

By Mr. HALE: A bill (H. R. 14834) granting an increase of pension to Sylvanus Hersey—to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 14835) granting an increase of pension to Elizabeth Deiterle—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 14836) granting an increase of pension to A. M. Weber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14837) granting an increase of pension to William P. Wade—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14838) granting a pension to Martha Bell Alger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14839) granting a pension to Mary E. Cornelius—to the Committee on Pensions.

Also, a bill (H. R. 14840) granting a pension to James L. Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14841) for the relief of R. Z. Moss—to the Committee on Claims.

By Mr. HIGGINS: A bill (H. R. 14842) granting an increase of pension to Henry E. Silcox—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 14843) granting a pension to Alice Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14844) granting an increase of pension to John B. Wheeler—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 14845) to reimburse James Whytock for money paid on desert entry No. 269, subsequently canceled—to the Committee on Claims.

By Mr. HUGHES of West Virginia: A bill (H. R. 14846) granting a pension to Lucy L. Bane—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 14847) granting a pension to Icybinda Spalding—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 14848) granting an increase of pension to Joanna Leak—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14849) granting an increase of pension to James H. Blagg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14850) granting an increase of pension to Mrs. E. C. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14851) granting an increase of pension to George L. Clonts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14852) granting an increase of pension to Ellen J. Bird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14853) granting an increase of pension to J. M. Potts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14854) granting an increase of pension to James C. Clouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14855) granting an increase of pension to James W. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14856) granting an increase of pension to John W. Gregory—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 14857) granting an increase of pension to Tennessee Williams—to the Committee on Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 14858) granting a pension to Henry Hobough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14859) granting a pension to Christopher Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14860) granting a pension to John W. Reid—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14861) granting a pension to James A. Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14862) granting a pension to P. B. Pulley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14863) granting a pension to Phillip Weller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14864) granting a pension to Winburn Hicks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14865) for the relief of Abram Floyd and

S. H. Floyd, heirs of Mahala Floyd—to the Committee on War Claims.

Also, a bill (H. R. 14866) to correct the military record of Davis Todd—to the Committee on Military Affairs.

Also, a bill (H. R. 14867) authorizing the Secretary of the Interior to place on the pension roll all the members of Grant A. Kenamore's company, Missouri Militia—to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 14868) granting an increase of pension to Harrison Lyons—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 14869) granting an increase of pension to Carlos L. Buzzell—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 14870) for the relief of Clarence W. Turner—to the Committee on Indian Affairs.

By Mr. MANN: A bill (H. R. 14871) granting an increase of pension to Julius B. Work—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14872) authorizing appointment of Hugh T. Reed upon the retired list of the Army with rank of captain with twenty years' service—to the Committee on Military Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 14873) for the relief of George M. Carroll—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: A bill (H. R. 14874) granting an increase of pension to Henry Rittenhouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14875) granting an increase of pension to Cecilia W. Simon—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 14876) to refund to A. L. Flack & Co., of Tiffin, Ohio, money paid for internal-revenue stamps lost in the mails—to the Committee on Claims.

Also, a bill (H. R. 14877) granting a pension to Zachariah T. Houseman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14878) granting an increase of pension to Martin H. Black—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14879) granting an increase of pension to Eliza Cameron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14880) granting an increase of pension to Osie B. Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14881) granting an increase of pension to John J. Chrysler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14882) granting an increase of pension to Peter W. McIntyre—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 14883) granting an increase of pension to Conrad Rupert—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 14884) granting an increase of pension to Prescilla Alden Nicolson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14885) granting an increase of pension to William Hood—to the Committee on Pensions.

By Mr. RHINOCK: A bill (H. R. 14886) for the relief of the heirs of the late John Hawkins—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 14887) granting a pension to Mary J. Lambert—to the Committee on Invalid Pensions.

By Mr. SAUNDERS: A bill (H. R. 14888) for the relief of J. J. Lautenschlager—to the Committee on Claims.

By Mr. SCOTT: A bill (H. R. 14889) for the relief of William Fletcher—to the Committee on War Claims.

By Mr. SHERWOOD: A bill (H. R. 14890) to remove the charge of desertion from the military record of Joseph C. Kuebbeler—to the Committee on Military Affairs.

Also, a bill (H. R. 14891) to remove the charge of desertion from the military record of Aaron Lanfare—to the Committee on Military Affairs.

Also, a bill (H. R. 14892) granting a pension to Margaret Wilson—to the Committee on Pensions.

Also, a bill (H. R. 14893) authorizing the appointment of Col. H. R. Brinkerhoff, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 14894) authorizing the appointment of Col. S. A. Day, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 14895) authorizing the appointment of Col. T. J. Kirkman, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 14896) granting an in-

crease of pension to Daniel G. W. Norman—to the Committee on Pensions.

Also, a bill (H. R. 14897) granting an increase of pension to John W. Lanier—to the Committee on Pensions.

Also, a bill (H. R. 14898) granting a pension to Sindrilla Albritton—to the Committee on Pensions.

Also, a bill (H. R. 14899) for the relief of George A. Williams—to the Committee on Claims.

Also, a bill (H. R. 14900) for the relief of James D. Butler—to the Committee on War Claims.

Also, a bill (H. R. 14901) for the relief of William J. Hays—to the Committee on War Claims.

Also, a bill (H. R. 14902) granting an increase of pension to John F. Jones—to the Committee on Pensions.

Also, a bill (H. R. 14903) granting an increase of pension to Hiram A. McLeod—to the Committee on Pensions.

Also, a bill (H. R. 14904) granting an increase of pension to Isham Walker—to the Committee on Pensions.

Also, a bill (H. R. 14905) granting a pension to Annie A. W. Stone—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 14906) granting an increase of pension to Sarah E. Willis—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 14907) granting a pension to Charles E. Stevens—to the Committee on Pensions.

Also, a bill (H. R. 14908) granting an increase of pension to Thomas A. Sorrell—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 14909) for the relief of the Mobile Marine Dock Company—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 14910) for the relief of Capt. William Hill, of Wit, Carteret County, N. C.—to the Committee on War Claims.

By Mr. WANGER: A bill (H. R. 14911) granting an increase of pension to Levi Bolton—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 14912) granting a pension to Mary L. Wallingford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14913) granting a pension to Cornelius Bell—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 14914) granting an increase of pension to Martin Kohn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14915) granting an increase of pension to Gustav Timple—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 14916) granting an increase of pension to James Tenbrook—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 14917) granting a pension to Joseph I. Teders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14918) granting an increase of pension to Milton Laird—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of H. A. Starr and 4 others, of Danville; R. M. King, of Kings; and Baker, Mayer & Co., of Chicago, all in the State of Illinois, for a permanent tariff commission—to the Committee on Ways and Means.

Also, memorial of Charles V. Gridley Camp, Sons of Veterans, of Erie, Pa., for increased pay for officers and enlisted men in Army and Navy and Revenue-Cutter Service, and for retirement of enlisted men serving twenty-five years—to the Committee on Ways and Means.

Also, petition of John P. Doyle, of Mount Vernon, Ill., for legislation for extension of marketage for American products—to the Committee on Ways and Means.

Also, memorial of the Teutonia and other similar societies, of Philadelphia, Pa., and other cities, against H. R. 13655, to limit effect of the regulation of commerce between the States in certain cases—to the Committee on the Judiciary.

Also, petition of Kenton Cove, of Greenup, Ill., for more liberal pensions for soldiers of advanced years—to the Committee on Invalid Pensions.

By Mr. ACHESON: Paper to accompany bill for relief of Henry Stevens—to the Committee on Invalid Pensions.

By Mr. ANDRUS: Petition of Local Union, No. 6, International Typographical Union of North America, for removal of tariff on white paper—to the Committee on Ways and Means.

By Mr. ANTHONY: Petition of citizens of Corning, Kans., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Mr. ASHBROOK: Paper to accompany bill for relief of Jennie Bain—to the Committee on Pensions.

Also, paper to accompany bill for relief of Henry B. Keffer—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: Petition of Savannah Pilots' Association, against H. R. 4771, to remove discrimination against American coastwise vessels in the coasting trade—to the Committee on the Merchant Marine and Fisheries.

By Mr. BENNET of New York: Paper to accompany bill for relief of A. H. Bradley—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Petition of D. McM. Gregg and 60 other volunteer officers of the civil war, of Pennsylvania, for a volunteer retired list—to the Committee on Military Affairs.

By Mr. BOOHER: Papers to accompany bill for relief of Barclay J. Benbow and Josiah Vanbuskirk—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Hamlin T. Buckner, Thomas J. Little, William T. Cobb, S. H. Manning, Charles N. Telden, and 345 other citizens, for the creation of a volunteer retired list—to the Committee on Military Affairs.

By Mr. CALDER: Petition of Kansas State Horticultural Society, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Woman's Interdenominational Missionary Union, for an adequate Sunday rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CALDERHEAD: Petition of S. G. Burdick, favoring pension legislation for the benefit of ex-Union prisoners of war—to the Committee on Invalid Pensions.

Also, petitions of Ottawa Commercial Club; H. W. Seltz & Co., of Clay Center; V. Kest & Sons, of Cuba; and Commercial Travelers' Congress, all of the State of Kansas, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of L. W. Everhart, of Fort Scott, Kans., for amendment to the copyright bill (Kittredge bill)—to the Committee on Patents.

Also, petition of Fruit Growers' Association of California, for a modification of the Chinese-exclusion law in a way to benefit employers of agricultural labor—to the Committee on Immigration and Naturalization.

Also, petition of Commercial Telegraphers' Union of America, for Congressional investigation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of James Carr, asking favorable consideration of the Taylor bill, relative to pensions for ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of San Diego (Cal.) Chamber of Commerce, for appropriation to provide more adequate protection of harbors of the Pacific coast and Hawaiian Islands—to the Committee on Military Affairs.

Also, petition of Typographical Union of Pittsburg, Kans., for removal of duty on paper and wood pulp—to the Committee on Ways and Means.

Also, petition of the Chicago Association of Commerce, for legislation insuring increased efficiency in the consular service—to the Committee on Foreign Affairs.

Also, petition of W. D. Walker, of New York, favoring increase of pay for officers and men of Army and Navy—to the Committee on Military Affairs.

Also, petition of Commercial Club of Topeka, favoring a liberal ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Bank of Commerce, relative to the Owen bill, securing depositors in United States national banks, and amendments thereto urging currency legislation—to the Committee on Banking and Currency.

Also, petitions of veterans of Sedan, Chatauqua County; Samuel A. Varney and others, of Washington; M. Wheeler and others, of Morrisville; and Manhattan Post, Grand Army of the Republic, of Manhattan, all in the State of Kansas, favoring the Sherwood pension bill, granting \$1 per day to all soldiers of civil war serving eighteen months and over—to the Committee on Invalid Pensions.

Also, petition of Job Harriman and A. R. Holston, against any change of present extradition treaties with and immigration laws relative to Mexico—to the Committee on Immigration and Naturalization.

Also, petition of S. H. Cowan, for legislation to improve the live-stock traffic conditions of the United States, favoring to that end Senate bill 483 (by Senator CULBERSON)—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Henry B. Keffer—to the Committee on Invalid Pensions.

Also, petition of survivors of Company F, Fourteenth Kansas State Militia, for amendment of H. R. 4020 and S. 590, so as

to include all members of the Kansas State Militia—to the Committee on Invalid Pensions.

By Mr. CAPRON: Paper to accompany bill for relief of John H. White—to the Committee on Invalid Pensions.

Also, petition of librarian of Brown University, Providence, favoring H. R. 11794—to the Committee on Ways and Means. Also, petition of Barnard Club, of Providence, favoring H. R. 24757, for the encouragement of education in agricultural high schools—to the Committee on Agriculture.

By Mr. CLARK of Florida: Petition of Commercial Travelers' Congress, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS of Minnesota: Petition of Asiatic Exclusion League, for legislation to adequately exclude all Asiatic laborers—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Susanna F. Franklee—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas Donlon—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of James S. Kelley—to the Committee on Invalid Pensions.

Also, petition of Minneapolis Clearing-House Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Fruit Growers' Association of California, for modification of Chinese-exclusion law—to the Committee on Immigration and Naturalization.

By Mr. DE ARMOND: Paper to accompany bill for relief of David R. Walden—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Woman's Interdenominational Missionary Union of District of Columbia, for a Sunday-rest law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of Woman's Interdenominational Missionary Union of the District of Columbia, for a Sunday-rest law for the District—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Charlotte Rockwell—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of citizens of the District of Columbia, for control of the street railways by the District Commissioners and investigation of said roads by Congress as to organization, capitalization, etc.—to the Committee on the District of Columbia.

By Mr. GRAHAM: Petitions of L. S. Randolph and R. M. Dixon, favoring H. R. 11562, for the return to Stevens Institute of Technology the collateral inheritance tax of \$45,750—to the Committee on Claims.

By Mr. HAYES: Paper to accompany bill for relief of John H. Sain—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Paper to accompany bill for relief of George H. Bailey—to the Committee on Invalid Pensions.

Also, petition of Baker Post, of Columbus, Nebr., and citizens of Stromsburg, Polk County, Nebr., for H. R. 4805, to pension widows of soldiers at same rate that their husbands were pensioned—to the Committee on Invalid Pensions.

Also, petition of Commandery of Nebraska, Loyal Legion, for volunteer retired list—to the Committee on Military Affairs.

By Mr. HOUSTON: Paper to accompany bill for relief of estate of Susan Burt—to the Committee on War Claims.

By Mr. KAHN: Petitions of J. O. Heron and J. E. Wolff, for effectual legislation against all Asiatics except merchants, students, etc.—to the Committee on Immigration and Naturalization.

Also, petition of Golden Gate Harbor, No. 40, American Association of Masters, Mates, and Pilots of Sailing Vessels, of San Francisco, Cal., against H. R. 4771 (the Littlefield bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. KELIHER: Petition of Boston Associated Board of Trade, for legislation to secure an elastic currency—to the Committee on Banking and Currency.

By Mr. LITTLEFIELD: Petition of citizens of Turner, Me., for a volunteer retired list—to the Committee on Military Affairs.

By Mr. MCKINNEY: Petitions of Isaac McManus Post, Grand Army of the Republic, of Keithsburg, Ill., for enactment of H. R. 4862, pensioning widows of soldiers at the rate of \$12 per month under provisions of the law of June 27, 1890; also for Sherwood bill, providing \$1 per day for all soldiers of civil war who served eighteen months or over—to the Committee on Invalid Pensions.

Also, petitions of Levi Barber, merchant, and 25 others of Bushnell; O. A. Bridgford, banker, and 64 others, of Aledo; and George W. Reid, justice of the peace, and 46 others, of

Macomb, all in the State of Illinois, favoring enactment of a volunteer retired-list law—to the Committee on Military Affairs.

Also, petition of Rock Island County (Ill.) Farmers' Institute, against boards of trade and fixing of prices of farm produce thereby—to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: Petitions of citizens of Pigeon and McGregor, Mich., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Paper to accompany bill for relief of Julius B. Work—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of George M. Carroll—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Board of Trade, favoring H. R. 7964, for an immigration station—to the Committee on Immigration and Naturalization.

By Mr. NEEDHAM: Petition of Commercial Travelers' Association of San Francisco, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON: Paper to accompany bill for relief of Mary J. Lambert—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: Petitions of Local Union No. 154, of Dukes; Local Union No. 130, of Bristol; Local Union of Holmes County; Local Union of Oak Grove; Local Union of Walton County; Local Union No. 156, of Perry; Local Union No. 194, of Pleasant Hill; Local Union No. 85, of Jennings; Local Union No. 193, of Harlem, and Local Union No. 148, of Center Hill, Farmers' Educational Union, of the State of Florida, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SPIGHT: Paper to accompany bill for relief of Mrs. Sarah E. Willis—to the Committee on Pensions.

By Mr. SMITH of Michigan: Petition of John M. Bearse and 9 others, for a volunteer retired list—to the Committee on Military Affairs.

By Mr. STEENERSON: Petition of purchasers of land on ceded Indian reservation in the State of Minnesota, purchased under act of February 20, 1904, asking for an additional homestead right—to the Committee on the Public Lands.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of Capt. William Hill, of Wirt, N. C.—to the Committee on War Claims.

By Mr. WANGER: Petition of Commercial Travelers' Congress of San Francisco, Cal., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON: Paper to accompany bill for relief of Mary L. Wallingford—to the Committee on Invalid Pensions.

By Mr. WOOD: Paper to accompany bill for relief of James Tenbrook—to the Committee on Invalid Pensions.

Also, petition of James Eastwood, Henry Torrance, L. S. Randolph, Frederick A. Lydecker, Charles J. Bates, Alfred H. Schlesinger, Carroll Miller, Maurice Coster, William L. Lyall, C. W. Whiting, and Alten S. Miller, favoring passage of H. R. 11562, for the repayment of the collateral inheritance tax to the Stevens Institute of Technology, of Hoboken, N. J.—to the Committee on Claims.

SENATE.

THURSDAY, January 23, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

SUBMARINE TORPEDO BOATS IN STATE OF WASHINGTON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 13th instant, a report as to the cost of two submarine torpedo boats to be stationed on Puget Sound and one submarine torpedo boat to be stationed at Grays Harbor, State of Washington, which was referred to the Committee on Naval Affairs and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the trustees of the Methodist Episcopal Church South, of Mount Sterling, Ky., *v. United States*;

In the cause of Jacob H. Van Name *v. United States*;

In the cause of the trustees of the Fetterman (now West Main Street) Methodist Episcopal Church, of Grafton, W. Va., *v. United States*;

In the cause of the Methodist Episcopal Church South, of Bowling Green, Ky., *v. United States*;

In the cause of the Cleveland Masonic Lodge, No. 134, of Cleveland, Tenn., *v. United States*;

In the cause of Mrs. J. H. T. Jackson, administratrix of the estate of Elizabeth H. Welford, deceased, *v. United States*; and

In the cause of Victorie C. Avet, administratrix of the estate of Vincent Avet, deceased, *v. United States*.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 456) to provide for the building of United States district and circuit courts at Salisbury, N. C., with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 13102) to authorize the county of Elmore, Ala., to construct a bridge across the Coosa River, Alabama, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. KEAN presented a petition of Local Union No. 323, International Typographical Union, of Hoboken, N. J., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the State Association of Master Painters and Decorators, of Jersey City, N. J., praying for the enactment of legislation providing for the labeling of paint materials along the lines of the present pure food and drug law, which was referred to the Committee on Manufactures.

He also presented a petition of sundry pilots of Delaware Bay and River, of Cape May, N. J., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of East Orange, Passaic, Maywood, Madison, and Millington, all in the State of New Jersey, and of sundry citizens of New York City, N. Y., Baltimore, Md., Blacksburg, Va., and Pittsburg, Pa., praying for the enactment of legislation to refund the inheritance tax to the Stevens Institute of Technology, which were referred to the Committee on Finance.

Mr. BURROWS presented resolutions of the legislature of the State of Michigan, which were referred to the Committee on Finance and ordered to be printed in the Record, as follows:

DEPARTMENT OF STATE,
Lansing, Mich., January 18, 1908.

I, Clarence J. Mears, deputy secretary of state of the State of Michigan and custodian of the great seal of the State, hereby certify that the attached sheets of paper contain a correct copy of house resolution No. 61. In witness whereof, I have hereto affixed my signature and the great seal of the State, at Lansing, this 18th day of January, in the year of our Lord 1908.

[SEAL.]

CLARENCE J. MEARS,
Deputy Secretary of State.

House resolution 61.

Concurrent resolution requesting Congress not to make any further reductions in the tariff on sugar.

Whereas during the past nine years over \$10,000,000 have been invested in the beet-sugar factories of Michigan, whose output this past year was nearly 150,000,000 pounds of sugar, valued at \$6,500,000, of which over \$3,000,000 were paid to the farmers of the State for the cultivation of 75,000 acres of Michigan farm land; and

Whereas this great industry was started under promises from the State of Michigan of a bounty of 1 per cent per pound for all granulated sugar manufactured from the beet, which bounty the factories of the State, with one exception, have never received; and

Whereas the beet-sugar manufacturers of Michigan have more than kept their promise to the State, that the farmers should be paid \$4 per ton for 12 per cent beets, by actually increasing such price to \$4.50 and \$5 per ton; and

Whereas in the United States, during the past year, beets were harvested from 317,284 acres, and for the first time in our history the output of beet sugar in this country exceeded that of cane sugar; and

Whereas since this industry was started under promised protection in the platform of the Republican party, sugar has been admitted free from Hawaii and Porto Rico, and at a largely reduced rate of tariff from Cuba, to the great detriment of the beet-sugar interest, while only the loyalty of a few Republican Senators, led by Senator BURROWS, saved this industry from a deathblow by the free admission of Philippine sugars to our market; and

Whereas it has now been practically demonstrated that, if left alone, the beet-sugar industry of the country will produce sufficient sugar not only to supply the rapidly increasing demand in this country, but for export as well; Therefore,

Resolved by the house (the senate concurring), That we do earnestly protest against any further reduction of the tariff on sugar, as calculated to ruin one of the most important industries of this country;

Resolved, That our Senators and Representatives in Congress be, and are hereby, requested to use their utmost endeavors to prevent any such reduction, and as far as possible to discourage any agitation of the question at the next session of Congress; and

Resolved, That the secretary of state be instructed to transmit to each Senator and Representative in Congress from the State of Michigan a certified copy of these resolutions before the convening of the next session of Congress.